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AN
AUTHENTIC NARRATIVE
OF
THE OPPRESSIONS
OF THE
ISLANDERS OF JERSEY.

To which is prefixed

A SUCCINCT HISTORY
OF THE
MILITARY ACTIONS, CONSTITUTION,
LAWS, CUSTOMS, AND COMMERCE
OF THAT ISLAND.

—Deus interfit—Dignus vindice nodus.

Hor.

Jam nemo tam improbus, tam perditus, tam tui similis inveniri
poterit, qui id non jure factum esse fateatur.

TULL. in Catilinam.

VOL. II.



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P R E F A C E.

THE authenticity of manuscripts depends on the understanding of the writer, the means he possessed of being intelligent in the subject, and the certainty that they were written by the man whose name they bear. All these circumstances are united in those which I have cited under the name of Le Geyt. The little piece which follows was written after his death, and printed in the same year. That will answer for his character, and the office he discharged, to which I have added nothing of my own; and his manuscripts came into my hands from the grandson of the late Philip Le Geyt. As the nature of my subject has unhappily led me to speak of iniquitous magistrates, and by these means, of imparting an air of probability that Jersey has produced no others; in order that the crimes of the present may be extenuated, I have thought proper to give this evidence of the contrary. But such men are not the common produce of human generation. And the constitution of Jersey is such, that magistrates in general are so tempted by its imperfections to exert the malignant passions of their souls, that either the former, or the latter must be new moulded, before justice and felicity can be expected in that isolated spot. The new forming of man is in the hands of God alone: of human institutions it is in those of the sovereign of the island. In

Jersey there reigns no faction to traverse the upright intentions of the king; and nothing is more easy than legislatively to establish the islanders in justice, right, and liberty.

I am obliged to Mr. Falle's history of Jersey for many facts in this work. And I ought to apologize to the writer of that manuscript, quoted under the title of a late commander in chief. I am well acquainted with his character and his person, though I have not seen him these two years. I declined to ask him leave, because I would not risque a refusal; and I am not afraid of offending him in endeavouring to explain and avert those mischiefs, which he so long laboured to subdue.

*Anecdotes of PHILIP LE GEYT, of the isle of Jersey,
translated from the French of Mr. Sorsoliel.*

Written in the year 1716.

IT would be a desirable object, if after a man of singular merit, and of distinguished virtue, has for a long duration constituted the glory of his country, we could transmit to other nations the knowledge of his actions, by a faithful recital of his life. It is with the view of contributing to the public utility, that I am going to delineate the characteristic qualities of that excellent man, Mr. Philip Le Geyt, whose loss we regret.

In early life he cultivated his understanding by the study of polite literature. The progress, which he made, and his taste for poesy and eloquence, place him in an advantageous light. These are conspicuous in a miscellaneous collection of both these kinds of writing, which he composed during the first years of his study, at the college of Saumur. An avidity of knowledge, and an assiduity of reading, constituted the passions of his youth; and in these he exhibited a regularity and remembrance, which is rarely found at a period more advanced in life. The professors under whom he studied the science of civil law, engaged him to devote his whole time to that study. And after having frequented the celebrated seminaries of jurisprudence at Caën and Paris, he thought of re-visiting his father, who was then a jurat of this island.

Jersey was at that time happy in possessing men of excellent understanding, and exquisite discernment. These soon discovered that young Le Geyt was endowed with qualities, adapted to serve his

country in some public employment ; and on the first opportunity which offered, he was presented with the place of greffier, in the royal court. It was then made manifest, that his knowledge of the laws and customs of the island, were sustained by great probity ; and that in him were happily united a precision of duty with integrity of manners ; and a purity of morals with an exemplary politeness.

On the death of his father, a place of jurat became vacant in the seat of justice ; and the universal suffrage of the island filled it with his son. His science and his virtue were eminently conspicuous, and esteemed by all men ; and both envy and jealousy were silent on that occasion. His opinion was generally followed in the decisions of the court ; not only because his reason was more exalted ; but because he was regarded as a man of perfect integrity, who never decided before he had maturely weighed on which side the right prevailed.

When the bailly had selected him for his lieutenant, and he filled the place of chief magistrate, more conspicuous evidence was offered of discerning his merit ; and then it was that the laudable habitude of possessing no predilection for any man was remarked. He at all times inviolably preserved the straight path of right, and was ever ready to do justice. The opinion of his integrity, which prevailed during the long time in which he was the judge of a people, too indulgent in litigiousness, precluded the advocates from advancing any thing of private interest. All were convinced that such a conduct would render them extremely culpable, and expose them to signal shame. In consequence of this he was never troubled with unbecoming solicitations ; and all the world had reason to believe that he was perfectly disinterested.

He

He lived a bachelor, and never embarrassed himself with the cares of a family. In his dress, his table, and the other conveniencies of life, he was neither parsimonious nor profuse, neither negligent nor delicate; but uniformly persevering in that just mean, where his reason placed him. Yet in his conversations on the sweets of life, spent in simplicity and frugal demeanor, it was sufficiently evident that such was his inclination: a sentiment which can find no abode in a heart that is parched with the ardent thirst of riches.

During his life the honourable post of lieutenant-bailly was always continued to him, till a lengthened age prevailed on him to relinquish it.

The course of justice being interrupted by the death of the bailly, it became necessary to elect a judge delegate; and never was there known a choice more laudable, than that which was made of Mr. Le Geyt. He was now elevated to the most exalted office, to which the suffrages of his compatriots could raise him; and it is universally known, that his modesty alone impeded him from being appointed bailly by royal patent; for that honour was proposed to him by a distinguished nobleman, who had power to procure it: and this offer proceeded entirely from the pure effect which the merit of Mr. Le Geyt had impressed upon him. But ambition was not his animating principle. Perhaps he never knew, what we have frequently heard from the lips both of the English and French, that Jersey was too small for the abilities of so great a man. *Quomodo poterit angusta Loci continere amplitudinem personæ?*

Innumerable are the occasions which afford evident proofs of the contentment of mind which he enjoyed in this island, the place of his nativity, from that which he has sometimes declared to his

friends; that during the time in which he was charged with the care of administering justice, in all that he was obliged either to write or to speak with solemnity, he was uniformly actuated by the same concern, as if he was to ascend the most august tribunal in the world; and to speak before the most respectable audience. Of all the numerous speeches which we have heard him deliver from the seat of justice, the remembrance of these is the most vivid, which he addressed to malefactors condemned by the law, because they were both nervous and pathetic. On those occasions his audience constantly dissolved into tears, and every man related to his family the admirable and penetrating expressions which he had heard on the horrors of vice, and the felicity of reverencing the Deity.

Besides the preceding event, there was yet another during the magistracy of Mr. Le Geyt, which deserves to be related in the transactions of his life. In a reign, repugnant to our liberties, and in which the design was formed to deprive us of those blessings, the court of England, to accomplish the execution of it, had sent to this island a Roman Catholic governor. Nevertheless he was not a man of an untractable spirit; and he would have given us little anxiety, had he listened to the dictates of his own mind, and followed his own inclinations; but he abjectly yielded to those of his wife, who was incensed by the dangerous director of her conscience. These counsellors, equally animated by a bitter and violent zeal, urged him incessantly to carry the power of his sovereign and his religion beyond all limits.

Every day afforded the discovery of new artifices, and great address was necessary to avert them, without complaint, and resolution to expose the

the obliquity of those by whom they were prepared. This conjuncture was extremely delicate for Mr. Le Geyt. He could undertake no false measure of little consequence: nor one of which the effects would devolve on him alone. He stood on an eminence, where if his feet should slide, he must draw the people down the same precipice with himself. In such a situation, all his presence of mind, his fortitude, and his prudence, were manifested in that extraordinary degree, which paganism hath attributed to the demigods alone. But it is still more laudable to acknowledge that success comes from the wisdom of the omniscient, in favour of him whom he had selected to become the saviour of his country*.

Soon after this time the revolution was accomplished in England, which re-established our minds against the arbitrary power of king James; and we found that popery had not obtained on the minds of the people, by exposing to their eyes the ceremonies of the mass, any other advantage, than that of exciting an admiration at the sight of things unusual. Nevertheless it was a singular happiness for the island to be directed, in times so perilous, by a chief magistrate of such distinguished virtue; and of so excellent an example.

After this recital it may not be improper to call to remembrance that which he said he had remarked in the histories of illustrious men; that after important services, performed in an age of maturity; and actions decisive of the public welfare, in which the ardour of zeal, and the vigour of under-

* It was by the wisdom and address of this eminent magistrate the castle was garrisoned by the insular troops, as well as those of the king, which I have mentioned in the first chapter of the first volume.

understanding were exerted, it is time to think of a retreat, by a sagacious suspicion that for the future such men will not prove to be so capable of the laborious task of public affairs, nor so useful as in the days which are passed. And to himself it happened, in fact, that at the age of seventy-five, he was become extremely sensible of the rigour of the winter, and for some time unable to attend his duty at the court, without being greatly discomposed by the noise of the pleaders; otherwise he would have been incapable of performing that appearance. During life, moderation and peace were the objects which most delighted him. In his administration they reigned in full energy; and without them his life had been insupportable. These reasons prevailed on him to entreat the queen to relieve him from the charge of chief magistrate; and on the representation of fifty years service, and the feebleness of age, it was obtained, with the particular marks of justice and benevolence of his sovereign.

When he beheld himself thus delivered from noise and application to public affairs, and entered on a new state of private life, he perceived an increase of joy and internal satisfaction, which was discovered in his air and in all his actions. He conceived himself happy to be encircled by his nephew's family, who was then attorney-general; not only because he esteemed and loved him, but on this consideration, that having imparted to him and his nieces almost all the property which he had possessed, he found himself more free to reflect on his own actions, and on that account which he was to give both of his labour and his leisure. Frequently was he heard to say, "It is now that I ought to regain the time which is past, and carefully to study by what ways providence hath conducted

ducted me, and by what succour he hath sustained me."

In spite of the incumbrance of old age, his understanding preserved its vigour even to the day he died. Of this he gave a sufficient proof, inasmuch as he easily accomplished in a small time that labour, in which he was engaged for four years, of revising some of those works of literature, which he had formerly composed, and which he had preserved in his closet to ripen, as he expressed himself. In the subjects of which he treated, he manifested a profound intelligence of the laws, both divine and human. He selected those which were of the greatest consequence to the island; and nothing could efface that modest sentiment, that his works ought to be frequently retouched to render them good and useful.

As there are but few persons whom Mr. Le Geyt hath permitted to read his works, it was thought proper to give such an abridgment and testimony of them as an individual person can offer who has been favoured with perusing the most considerable.

They are numerous; all neatly and correctly written; and nothing is wanting to render them of public utility, but being printed. The style is clear, without being diffused; the French pure and elegant. Some of them are designed to shew on certain points of civil law, those parts in which it corresponds with the practice of the isle of Jersey. There are others, which treat historically of the establishment of the jurisdiction, and of the assembly of the insular states. A treatise on witnesses, of a considerable length, and of solid erudition. A treatise on cabal and faction; and another on elections. In these two last the author searches to consecrate, by the rules and principles
of

of christian morals, that which legislators and the learned in the laws have taught, with a view to form such judges as were a public blessing. There consists of papers also, sufficient to make a volume, under the title of Christian Meditations; and in this work it is seen, that he had imbibed the true spirit of intelligence and of sound wisdom, from the pure sources of the word of God, and for the sustenance of his soul. Through this work his piety, like his heart, was simple and sincere. In general, his manuscripts are the pleasing fruits of his solid studies, and well digested; and it must be certainly acknowledged, that it would prove an honour to the island to give them to the public. At the same time it is to be wished, that the youth of Jersey were educated in a manner to form themselves on so excellent a model as Mr. Le Geyt.

In his latter years he appeared to devote himself to more than usual meditation; notwithstanding which he was communicable according to the nature of the affair, and denied himself to no man. He was easy of access, and always pleased with his company, provided he found in them reason and probity. When men of understanding occasionally introduced a select subject, although he was their superior in the knowledge of it, he was never forward to deliver his own opinion; he heard others with pleasure, and never assumed a dogmatical or magisterial air. From his youth he was always silent on every subject which tended to his praise, unless he thought it useful to others. To chiding and to censure he was a perfect stranger, even to those who were dependant on him. His behaviour with his nephew was mild, open, filled with sincerity, and as of one friend to another; preserving himself equally from insipid complaisance, and a repulsive moroseness. The children

dren of the attorney-general, though some of them were almost always around him, never discomposed his mind. His servants were influenced by no servile fear of that ill humour, which is generally attached to the temper of old men. On a particular occasion he exhibited a degree of moderation, which was surprising to all who were present, when one of the company happened to express himself in the following manner; "Will you permit me, sir, to express my sentiments? You have been an excellent magistrate to this island; but it appears to me you would have made a bad censor in Rome." He answered, "Let reason operate; and every one will have that for his censor, to hear and to submit to."

If at any time the conversation turned on subjects of the resentment which men entertained against each other, and the mention of revenging them happened to be introduced, his visage became expressive of great repugnance to that kind of discourse; for it was his confirmed opinion, that vengeance should never be taken; and that the desire of it can find no admission but in the souls of the abject and worthless; that, according to his principles of rectitude and generosity, it was easy to pardon and forget the injuries which one man receives from another. At the same time he would never allow that all which is called injury, was such in reality. And in this manner he rescinded much of those resentments, and of that ill-grounded delicacy, which is the cause of them.

The society with which he was best pleased, was that of men of letters and the clergy. During life they were the professed object of his honour and esteem; and in leaving his company, charmed with his wisdom, they confessed that they thought

thought themselves more knowing, and more virtuous by his conversation.

The venerable old man, who had long been his parochial priest, extended his funeral sermon on those parts, which all the congregation ought to imitate, of the edifying conduct and christianity of Mr. Le Geyt; the charities which he bestowed on the poor; the excellent example which he gave of temperance and chastity; his assiduity at public worship, and the holy communion. And let not this circumstance be forgotten, that it was the will of heaven he should meet the end of his days in performing acts of piety. At church, on a Sunday, he was seized with a dangerous attack, notwithstanding which he returned to his devotions on the next day, that proved to be the last of his life. During many hours he was sensible of the approach of death, but without surprize, because he had been daily preparing for it.

He was a man of the ancient stamp of virtue; uniform in his different conditions of life, and always equal to himself. In him knowledge, politeness, and probity, were the inseparable companions of the love of religion, and zeal for justice.

He relinquished life the 31st of January, 1716, at the age of eighty.

To this gentleman succeeded, after the interval of another lieutenant-bailly, Philip Le Geyt, his nephew; who executed that office of chief magistrate with equal knowledge and integrity. And to him Charles Lempriere, the present person who occupies that post, has been the successor.

Thousands of the inhabitants have wept a thousand times over that little piece which I have translated. Thousands remember, with regret, the

the days of justice and felicity the island enjoyed under his nephew. The reasons which have perpetuated these sensations of their former happiness, will appear in the following chapters; and they will afford an ample opportunity of comparing the two Le Geyts, as lieutenant-bailly and attorney-general, with the two Lemprières, who filled the same offices in Jersey.

On the 1st of the month of January 1716, the late Mr. de la Roche, who had been appointed to the office of attorney-general, died at the age of 60 years. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children.

After the death of Mr. de la Roche, the office of attorney-general was filled by Mr. de la Roche's nephew, Mr. de la Roche. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children. He was a man of a liberal and generous mind, and a great lover of his country. He had been married to a lady of a noble family, and they had several children.

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A N
AUTHENTIC NARRATIVE
OF THE OPPRESSIONS OF
THE ISLANDERS OF JERSEY.

C H A P. I.

The history of the two brothers, Charles and Philip Lempriere, lieutenant-bailly, and attorney-general of that island.

THE gentlemen, of whose actions I am now to give the history, are lineally descended from Michael Lempriere, who was bailly during the usurpation of Cromwell. They are of a good family in that island, if families, because they are ancient, are to be distinguished with that attribute, which is due alone to merit and to services done their country. Whoever may have written on the deserts of their progenitors is to me unknown, I shall endeavour to do strict justice to these brothers, their descendants. My history shall

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not be taken from vague reports and oral tradition; but from those testimonies, which are deemed the most authentic and most deserving credit among men: from public records of their own transactions, made by themselves; from attestations, certificates, and the accounts of men who are now living, and ready to depose on oath, what I have received from their lips. And lastly, if peradventure I may seem too lavish in delineating their virtues, or too severe in reprehending their faults, these gentlemen are still living; their modesty will therefore correct my applause, should it rise to an hyperbole, and the duty of justifying themselves ought to induce them to disprove any surcharge of culpability which they may imagine I have made. This felicity also will be added to their lives, they will be well acquainted with the relation of their distinguished actions, and descend to their graves thoroughly ascertained of that estimation in which they will be held by posterity.

With a view therefore to place this illustrious pair in their proper light, and to render their story the more intelligible, I must take the liberty to premise a few introductory circumstances and observations.

When the governor and bailly of the island were completely separated by James the first, each had his office distinctly assigned; and neither could legally intrude on the offices and trusts of the other. In such circumstances, that rivalry, which seldom fails to arise between men who have separate commands, kept them by that motive from intruding on each other's department; and incited a reciprocal vigilance on their actions. The receiver was still in the nomination of the governor: but being by the ordinances of James subjected to the enquiry and chastisement of the court and the bailly,

bailly, and attorney-general, no longer obliged to the commander in chief for their posts; the circumstances of things were much altered; and the powers of the civil magistracy were greatly augmented.

The attorney-general was no longer, at the command of the governor, to prosecute whom he pleased to nominate. The receiver could now no more harass the inhabitants respecting the times of delivering their corn rents; measure them by a fallacious method; nor demand a second time what had been already paid. He was to acquire his dues by lawful means. He could not oblige the tenants to bring him their wheat, which by their tenure they were not obliged to carry. And if he refused to receive the corn under fictitious pretences, that it was not merchantable, on purpose to oppress the tenants for non-payment; or to compel them to pay him money for accepting the corn they offered, he was to be examined, adjudged, and punished by the bailly and jurats: in which act of judicial authority the governor was forbidden to interfere.

The power of the court was certainly at this time an ample counterballance to that of the commander in chief; but such is the desire of acquiring an ascendancy, that instead of resting at that point where the scales hang equal, each party is eternally contending to add that weight, which may make his scale preponderate; till at length the materials that support the beam, give way, and destruction falls alike on all which is contained in the ballance.

Whatever may have been offered to prove that monarchs are more despotically inclined than a government composed of aristocrats, or of a democracy, I am nevertheless inclined to think,

that, on a just examination, the reverse will prove to be the truth. Numbers will dare to undertake and carry into execution, such arbitrary measures, as few sovereigns singly will attempt. In the former their designs are more violent, because their fears are thought to be diminished, in proportion to the individuals of which they are composed; and their dangers seem less by a general participation in the deeds they perpetrate. Whereas a monarch acts alone, and all the displeasure which may arise from his government, falls on him. When I am speaking in this manner, I do not mean the despotism in military monarchs, like that of the Roman emperors, and of other tyrants, which being obtained by violence, must consequently be supported by cruelty: but in those kingdoms, where hereditary right hath been long established in a constitutional succession; where no imminent danger of being suddenly dethroned attends the sovereign, nor spirit of rebellion inflames a multitude, unaccustomed to such government.

The thirty tyrants of Athens, were infinitely more absolute than Pericles: the Roman senate than their kings. The parliamentary rebels in England exceeded the tyranny of any preceding sovereign; and the states of Venice, Genoa, and Holland, rule with a more despotic sway, than the emperor at Constantinople. Even in mixt governments, the democratic part is at least as forward to usurp on the rights of their fellow-subjects, as their sovereigns are to invade the rights of their people, and as much perdition hath fallen from their demagogues as their princes, altho' they hailed them as their deliverers from rapine, and the defenders of their liberties. On the dissensions of the late Lord Cobham, who was now the governor of Jersey, appealed to king and council. The business

was

was protracted to a great length, and there was no prospect of its being speedily determined. In this situation he entered upon a resolution of terminating the controversy by letting the revenues to farm. This offer was gladly accepted. A jurat was made receiver; and the profits were divided in secret among the leading men of the bench.

The business of the receipt immediately put on a different face; the former receivers, tho' active enough in requiring the regal dues, were under the controul of the court. Their salary was a fixt sum; and these particulars restrained their inclinations to exaction, and left them unactuated by the motives of self-interest. But in the new receiver and his jurisdictional associates the influence of judicial restraint, was removed; and the desire of exaction let loose by those means. By this revolution the people were soon made sensible of the conduct of their new officers; and found, too late, that they had been duped to become the instruments of their own perdition. They now hastened to the Lieutenant-Governor in search of redress; and he sent them back to the court. He upbraided them with their acts of defrauding him, and shewed them the follies they had committed; and then told them that he, who had set them to work, must pay them their wages and bade them to apply to him.

During this time of controversy between the Governor and those who fraudulently paid him his rents, the former employed but one advocate, which was the attorney-general. He was induced to observe this conduct for the sake of not seeing two pleaders; and, therefore, rejected the solicitor general. This latter advocate was equally, by patent, entitled to be employed with the former, in all causes relative to regal concerns. He regarded

this discrimination as an indignity, and insisted on his right of being engaged in such causes. With this demand the governor refused his compliance, and the decision of the dispute was brought by appeal before the king and council. Such was the situation of affairs, when Charles Lempriere, the present lieutenant-bailly was made solicitor-general. Though distinguished by this mark of royal favour he was determined to exert himself in support of his own interest; for his conduct hath manifested no great degree of regard to those rights which appertain to his sovereigns. This resolution was considered by his countrymen as an act of patriotism; and no patriot of these patriotic days hath vocally exhibited a more flaming zeal to serve his country. And yet this contest was not, whether Charles Lempriere should be a solicitor-general or not; but, whether he should be paid for what he pleaded in the court; for, had his patriotism been real, no governor could have prevented him from offering his sentiments in all causes criminal, personal, and relative to the royal revenues, or from serving his compatriots in all these instances. But the islanders did not distinguish between the motives which might attend the resolutions of a solicitor-general rescinded from his fees; and those which emanate from real patriotism: and they bestowed on him that applause which is due to the latter, for those actions which were excited by the former.

Damnation to the governor was drunk in all companies; and success to honest Charles Lempriere, Esq; Backed by the approbation of his fellow-countrymen, and actuated by the motives of self interest, he prepared to depart for England. The sails of the ship which carried this precious

precious cargo were filled with wishes for a happy passage and a prosperous issue. "Go, they cried; heaven speed thy voyage, thou friend of Jersey; thou advocate of our rights; thou protector of our liberties; may the assistance of heaven attend thee in all thy glorious undertakings, and return thee in safety to this longing people."

Charles Lempriere arrived in safety at Southampton. He proceeded to London, where he remained almost ten years in soliciting, what he denominated, and they believed to be the cause of his country. During this residence in London, he was strongly opposed by lord Cobham, the governor, whose interest was great. Charles, the patriot, diligently employed his time between intense studies for his own interest, his attendance on the council, his writing incendiary letters to sustain the fire of patriotism in Jersey, and the instructive company of Mrs. Thompson, a lady celebrated for many excellent qualifications, and an agreeable manner of communicating them to her friends.

By this quadruple employment he spent no time but in serving, or preparing to serve his country. At length he obtained an order of council in his favour, and returned triumphant to his native land, where he was received with acclamations of joy and approbation.

He comes, he comes, the hero comes,
Sound the trumpets, beat the drums.

This illustrious patriot restored, received these distinctive applauses with infinite satisfaction. He cherished and preserved them in his remembrance as a miser doth his money in his chest, till the auspicious day arrives when he can dispose of it in a good bargain. Loaded with patriotic reputation, he obtained the favour of the late earl of Gran-

ville. And he succeeded, as lieutenant-bailly, to Philip Le Geyt, whom I have mentioned in the preface.

The lamentations for the loss of the late lieutenant-bailly, were soon sunk in exultations for the happiness which was to arrive by the magistracy of the present. Jersey was now the fortunate island. Days of happiness, decisions of justice, preservation of right, enjoyment of liberty, and lands flowing with milk and honey, entertained the imaginations of the islanders. Patriotism was to play the fiddle; integrity, righteousness, peace, and plenty, were to dance cotillions to the joyful sound all the year long. But such are the transitions to which the affairs of human kind are destined, a short time developed an eclaireissement of the real incentives to this conduct of Charles Lempriere. For as two men in the same room, looking out at opposite windows, see different objects; and one knows not what the other is beholding: so fared it with patriotic Charles, and the people of Jersey. The former saw nothing but the pursuit of his own interest; the latter nothing but that of his pursuing those of his country: and it was now found that their understandings had been back to back, during all the preceding time.

Being now exalted to the eminence of lieutenant-bailly, from that of solicitor-general, the latter place became vacant: and that post, so requisite to be filled, for the expediency of which he so long harangued, was left vacant; and when he was urged by others, on his former arguments, of the necessity of its being filled; he answered, that, on more mature consideration, he thought it more advantageous that it should now remain empty. Like an atmosphere, which surrounding a jack-ass in a misty morning deceives the eye to take it for a noble

noble horse; and which by the influence of the sun-beams, gradually becomes less dense, till the mistake is revealed, and the long-eared animal stands forth confessed in all his parts and proportions. So did it fare, when the fog of patriotic professions, which environed the solicitor-general, was dissipated by the ascending rays of self-interest, and the lieutenant-bailly prominently and professedly stood forth in his real character.

Being thus exalted, he no longer affected the character of being devoted to his country's service, but exerted every endeavour to avail himself of all methods, by which he and his family might enrich themselves, and he obtained the receivership for his brother Philip, who at the same time became farmer of the revenues.

It seems that Huske was now governor of Jersey, who had taken a great liking to the young man; and if the universal assertion of the islanders, and the acquiescence of the lieutenant-bailly himself may be credited, he also participated in the profits of the farm.

The powers of fleecing the people, and of determining all law-suits, begun in opposition to the receiver, were now united in him and the court, of which his brother Charles was chief magistrate; their father was first jurat, Pipon, his brother-in-law, and several of his relations were on the bench. Those, therefore, who commenced their suits, began with suspicion, and ended in dismay.

But this coalition of receiving and judging was yet inadequate to the rapacious feelings of these brothers. The attorney-general died, and that post was obtained for Philip Lempriere, esq; and the post of solicitor-general still remained unfilled. The executing of this arduous office, as it has been previous; observed, demands the ablest capacity,

capacity, and most accomplished jurisprudential erudition, of all those which are included in the court of Jersey. Philip was selected on both these accounts : and his parts and education justified the choice, of which it is therefore the duty of an historian to give some relation.

Philip Lempriere, when a lad, was destined to the sea, and placed under the tuition of the master of a bark, who traded between London and Jersey. But the talents of Philip Lempriere were too exalted to condescend to the acquirements of naval knowledge. The art of navigation was to him the black art, into which he could not see. To him it was not less unintelligible than the hieroglyphics of Ægypt; and he could as easily have learned the Chinese language, as the two and thirty points of the compass. A genius so sublime was not to be lost in maritime affairs. He was therefore taken from the cabin, and exalted to the kitchen, as Marmiton in the house of his father. The idea of this office in Jersey, is not to be contaminated with that which our sagacious English travellers have nicely formed from their accurate observations of men and manners in France. In the latter they are no more than kettle-scrapers. In the former they are destined to the dignity of cutting bacon, and preparing the cabbage for the messes of those who labour in the fields.

Charles, the bailly's deputy, observed much expertness in his brother's discharge of this arduous post. He remarked that he was most admirably skilled in dispensing the fat and rusty parts to the labourers; and in keeping the lean for his father's table; and that he adjusted the quantity so mathematically in every meal, that though they never had quite a sufficiency, yet it was that which so nearly approach-

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ed to it, that although not satisfied, they were ashamed to complain. It was this singular talent of distinction which determined the lieutenant-bailly to procure both the place of receiver, farmer, and attorney-general for his dear brother Philip. He saw he would make an excellent receiver, because he was fond of cribbing from the labourers with such discretion; and that from his judicious discrimination of fat from lean, that he had an admirable turn of genius for the law, which delights in such refinements, subtleties, and distinctions: and from his delight in that servile office, he was persuaded he would draw his conclusions, as attorney-general, exactly as Charles should command him. Such was the man on whom the court was to rely for the information of the laws, ordinances, and customs of Jersey; of the language of which, in many instances, and the true meaning of all, he was utterly incapable of understanding a single word.

I am apprehensive lest my readers may imagine that in the preceding account I have deviated from the dignity of an historian, with a view of placing a most respectable character in a ridiculous point of view; but I do verily assure them, that in this relation I have scrupulously followed the most authentic accounts of his compatriots, that I could obtain; and the pedigree of the family, in which the births, education, and employments of that illustrious race are exactly registered, and faithfully preserved. And as the opinions of the ancients are deemed authentic vouchers for the literary conduct of the moderns, I beg leave to avail myself of that authority.

Tully declares, that an historian should never be biassed, nor depart from the truth on any motive.

five. Lucian avers, that he should call a spade a spade. Thucidides, Xenophon, Livy, and even the sententious Tacitus, have always adapted their styles and descriptions to the nature of those various facts and circumstances which they relate; and Longinus, that celebrated critic, pronounces, that when an author intends to write on any subject, he should first think in what manner the most famous have thought and written on similar occasions.

These authorities, established by the unanimous approbation of so many ages, will, I humbly hope, justify my adhering so scrupulously to the truth, and representing it in a style, the most adapted to the subject, which it is in my power to deliver.

The moment Philip Lempriere was appointed attorney-general, he was by the laws of Jersey rendered incapable of holding the place of receiver, farmer of the revenues, or any other post or employment in the island. It was therefore necessary to avoid the incompatibility of these two posts; to impart the countenance of resigning them; and yet to follow the dictates of self-interest, and reserve the profits of them all. This intent was accomplished by pretending to transfer the farming of the revenues to Ricard, a jurat, and brother-in-law of the Lemprieres. He was to be the ostensible receiver, whilst Philip was that person in reality; and till the day he was dismissed by lord Albemarle, his lordship knew of no other than Philip the attorney-general. By these means the name was changed, but the office, remained, as it was before; and all the business which belongs to it was transacted by the attorney-general. This affair being thus honestly arranged, they advanced in perfecting their intentions. The lieutenant-bailly

bailly foresaw that on various occasions it must happen, that depositions on oath would be necessary to be made, in evidence of the injustice of the court of Jersey; and more particularly in order to elucidate the denial of the records, or the not entering them when appeals were intended to be made from the decisions of the court, to the king and council.

That right of deposing on oath was to be removed; because it was some restraint on the lieutenant-bailly, when the desire of preferring his will prevailed over the dictates of the law; and the concealment of his iniquities over that of affording the means, to the injured, of seeking relief from king and council. By this artifice, the complainants must be reduced either to decline all farther pursuit of redress; or apply, by petition of doléance, to which the imputation of odious had been imputed; and a fine imposed, in order to support in reality the dishonour of the judges.

With an atrocious resolution to obviate that embarrassment, he prevailed on the jurats to usurp the right of the states; and to pass an act that no man should be permitted to administer an oath, unless it were in the presence of the lieutenant-bailly, and two of the jurats.

On this act, thus made, they have regularly formed their conduct, although it never received the royal assent, nor was it ever intended that it should receive it: and this he dared, notwithstanding the orders of king and council expressly declare, that such ordinances shall have no power or property of law, untill they be confirmed by the king. Endless are the instances, and numbers shall be exhibited, in which the orders of the king and council, the only legislative authority, hath been

been treated with the most signal contempt. By this innovation the jurats, any two of whom before this alteration had the right of administering an oath, have not only precluded themselves from their magisterial privileges, and surrendered them into the hands of the lieutenant-bailly, but those of the people also. It is now solely at his option to grant or to refuse the liberty of deposing on oath to any inhabitant who shall apply for that purpose. Without him the twelve jurats are incapable of administering an oath, and with any two of that number he can either grant or refuse it as he likes.

Such is the influence which this lieutenant possesses over the royal court of Jersey, that he has made the majority of the jurats, without one syllable of reluctance, or in defence of those rights, which were inherent in them and the people to resign their authority into his hands, and to become cyphers to his preceding unite. Judge then of the degrees of his power, and of their subserviency. Of what import they can prove to be on the bench; and what must be the fate of those causes, brought on by men whom he dislikes, before such magistrates, who have dared to acquiesce in innumerable propositions, so atrocious and illegal. The flagitious purposes to which he hath applied this perversion of the laws, shall be amply and irrefragably proved in the subsequent part of this publication.

I let me now form a summary of those powers with which these brothers had invested themselves. After an evidence so notorious of the jurats having so servilely surrendered their rights into the lieutenant-bailly's hands, there can be no need of any other to evince that he possesses an absolute command over a majority of them. It must be
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allowed however, that permission is still left with the jurats, to administer an oath on occasions of some commercial concerns, relative to imports and exports. That he largely participates in the profits of the receivership, is as universally believed, as that the sun will rise to-morrow, and that his brother Ricard, a jurat, shares but little in the receipt.

Philip Lempriere, Esq; is therefore attorney-general, and actual receiver. In consequence, of his first office, he prosecutes all persons who have offended the laws, and in consequence of the second, he receives the fines to which they are subjected; and as the farmer of the revenues they become his property, conjointly with that of his two brothers. As attorney-general he can bring any man before the court for personal offences, whether real or pretended. These he denominates to be criminal, and prosecutes under that name, and without a witness persons may be found guilty on presumption. And in his conclusions he declares, the sum in which they ought to be fined. Hence it appears that the lieutenant-bailly, and one jurat, are interested in the finding all those guilty who are brought before them; that the attorney-general is interested in encouraging informers; and in default of those to frame accusations against all whom he pleases to pursue; that a majority of the jurats are ready to unite with the opinion of the bailly; and that in all causes carried on as criminal, they previously know his opinion, by the denomination of the action. What the situation of a people, judged by such magistrates, must be, will be readily acknowledged by every man the least instructed in the principles of human nature. But I shall advance nothing on hypotheticalal premises, I will found the mischiefs which

which they might do, on the incontestible testimonies of what they have done; and rejecting all speculative opinions, rest the whole truth of what I shall deliver, on the evidence of facts alone.

So much having been said respecting this union of attorney-general and farmer of the revenues, in cases of prosecutions, let me now state that association in another light, and remark in what manner he is delivered from all apprehensions of being punished for his iniquities.

As farmer of the revenues, he is no longer in apprehension of the laws, which were made to restrain the oppressive spirit of receivers; because the bailly, who commands a majority of the jurors, is to be advantaged by the extortions in corn rents, and other dues and services, which the farmer may perpetrate. In such cases it is no inroad on the sanction of character to say, that a man who hath dared to accept a participation of such profits, and emoluments, will dare to justify his brother, by whose exactions they are encreased; and in all causes which may be brought before the court, antecedently and out of place, give his own judgment in preference to law and equity, when he is to gain by the former, and be a loser by decisions consentaneous with the latter, especially as his brotherly coadjutor in this laudable employment, would be then inevitably exposed to open execration in that court.

In cases really criminal, there lies no appeal. All personal actions are therefore characterised by that name, in order to rescind the means of that application. Whatever then be the nature of the offence, if the words or deed be void of offence, and whatever be the excess of the fine, beyond the degree of legal culpability, what then must be the fate of wretches doomed to such trials,

trials, such a prosecutor, and such judges, the condemnation of whom must prove their advantage, can the innocent expect acquittal, the guilty a just sentence, or any man relief from their oppressions? but in justice it must be allowed that this mode of judicial determinations, at the same time it is beneficial to the judges and prosecutor, is in like manner advantageous to the more guilty. For as the brothers can in no sense be profited by the corporal inflictions of malefactors, those however notorious, whom the laws condemn, to such punishments, are sentenced to pecuniary fines. The villain escapes the justice which is due to him, the judge is enriched by this illegal evasion of the law, and the old feudal method of commuting by money, for bodily sufferings, is again revived by the usurpation of more than regal authority in a lieutenant-bailly. By these means the judgment of the magistrate diminishes the dread of transgressing the commands of the legislature, and offences are encouraged by this pecuniary lenity, which would be suppressed by an execution of justice, with lawful rigour.

In litigations concerning corn-rents, the same influence operates with equal energy and effect. Whoever opposes the farmer of the revenues in the royal court, is doomed to lose his cause; and as no appeals can be made for any sums below the value of twenty pounds, and none of them amount to that sum, this forms one instrument of their extortion. These unhappy and plundered subjects are precluded also from all means of seeking redress from king and council; for, were that application allowed, where shall the indigent find that money which is necessary to support the expence of bringing their causes before that board and supporting them for many years.

Such are the miseries to which these loyal and industrious subjects are exposed. By such I will prove they have been long harrassed; and these are the fatal effects of abolishing their ancient rights of justiciars itinerant, and trials by juries. The bailly knows no controul, and dreads no examination of his iniquities; the prosecutor no punishment. For by no law of Jersey can he be called to account, but by appeals or doleances, and these are interdicted in the instances above related.

Magistrates of the most exalted virtue ought not to be intrusted with such enormous powers, and to commit them to men of rapacious souls, and regardless of law and equity, as the natives declare in their medrigals to give the flock to be devoured by the wolves. It is in fact to consign the subjects who live beneath their jurisdiction, to a sentence of guiltiness before they are heard, and to deliver them to the executioner instead of the judge; or, at least, to those persons in whom both faculties are conjoined, and to whom condemnations are a benefit as well in the former as the latter department. At the same time it must be owned, that gain being thus united with the judicial power, that conjunction hath greatly encreased the vigilance of the magistrate who sits on the judgment-seat, and the barrister who is to bring offenders to justice.

It was now that detestation attended the steps of Charles Lempriere, the lieutenant-bailly, as inseparably as the good wishes of his countrymen had done when he was solicitor-general. Like some dame of fallow skin, who covers the imperfections of her person by the supplemental aid of paint and varnish, which by too nearly approaching the fire, cracks, falls off, and discovers her

native complexion; so fared it with the artificial colouring of patriotism on the character of the magistrate. It broke and fell off, till not a particle remained of all that former covering.

When a reputation is irreclaimably lost, all endeavour to regain it is an egregious folly. In such situations, policy directs a continuation of the same character: and the applying, without reserve, the same means by which it was lost, to the accumulation of riches as the best and sole substitute to that of an honest reputation. To tread back the same path, and to return to the place from which he started, is to spend one part of life in losing, and the other in regaining what he lost. And thus at the conclusion of seventy years labour, employed in rolling on and off the thread of life, his character is on the last day reduced to that inanity it was on the first, if the world will be sufficiently good-natured to forget his iniquities for the sake of his reformation. Or if he suspends his operations as soon as his misdeeds are discovered, and stops at that point, his riches are not encreased, nor his estimation recovered. He is hung between integrity and fraud, like a felon in chains, between heaven and earth, an object of horror, and an admonition to all who behold him.

Philip Lempriere, esq; advanced from the cabin to the kitchen; from the superintendence of the bacon, to that of farming the royal revenues; and delivering the laws of Jersey as attorney-general to the bench of justice, had manifested that his talents, like a diamond, were at once both solid and brilliant.

These lucrative employments were deemed but a slender reward for the distinguished merits of a genius so sublime; a lawyer so profound in juris-

dictive literature; an officer so humane in his prosecutions, and so merciful in his manner of collecting the royal revenues. He was for that reason presented with the places of commissary, store-keeper, barrack-master, paymaster of the works, agent for sick and wounded, for the prisoners of war, and furbisher of the arms; for it was believed that Philip being so bright in himself, would suffer nothing to grow rusty under his inspection.

In this manner all legislative and executive authority, all honours, and profits, and every post which his majesty could give, the governor and his lieutenant excepted, were borne between these brothers, like a handsome girl by two conscientious chair-porters to a house of prostitution.

By this union of places in this respectable fraternity, their powers became uncontrollable in the island. In every vintaine of the parishes, sub-farmers were appointed, who agreed to take the tythe corn, which forms part of the receivership. These exactors were preferred according to their inclinations of being the slaves of the brothers, and the drivers of the inhabitants. They were also engaged by the secret articles of their contracts, in the laudable occupation of informers of such expressions, as might be uttered in displeasure of the fraternity; and these sub-farmers were to sell to their fellow vintainers their tythes, with strict directions never to permit any man to purchase his own, who had spoken a single word in dispraise of their brotherly conduct; or who was even suspected of bearing his oppressions with reluctance*. All this was faithfully executed by

* Jersey petition, article 7. Vide appendix, No. 1.

by these venal sub-ministers of oppression; and the tythes of all who dared to murmur were either taken by these sub-farming informers, or sold before their faces to others for the same sums, and sometimes for less than they offered. By this oppressive partiality the person on whose land the corn was produced were deprived of so much of their straw as the tythe sheafs contained; and which, in an island that does not yield two-thirds of the annual consumption of corn, was almost an irreparable loss to these poor and industrious tillers of the soil; and the foundation of extortions in the sub-farmers. For in the winter they were reduced to purchase the same quantity of straw at an exorbitant price, or their cattle must be starved.

By these means the profits of their honest labour, on farms, which are so small as those in Jersey, were taken from their hands, and given to those misereant agents of fraternal tyranny. If they murmured at their treatment the sub-farmers informed the brothers of their insolence. They were prosecuted, found guilty, and fined by the law of Elizabeth, which interdicts, under such penalties, the murmuring against a magistrate.

When the iniquity of an information was consecutive of a complaint against the hardships of being deprived of their tythes, and they were prosecuted by the attorney-general, *they were not suffered to have an advocate. And by the fine their loss was more than three times doubled. Silence and obedience were therefore the consequence of such terrors hanging over their minds. They sunk into the most abject pusillanimity. Whatever the brothers.

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* Jersey petit. Art. 17.

thers might command, was as implicitly observed, as if it had been delivered by the sultan to the eunuchs of his seraglio. Dejection appeared in the face of every gentleman; slavery and horror in those of the common people. The former beheld with affliction that their properties, peace, and security, were in the hands of these magistrates, and the farming attorney-general. They saw that in all appeals from their iniquitous decisions, the greatest part was given as before; or, if reversed, the lieutenant bailly, and the jurats, escaped without reprehension for their misconduct. They complained to the late earl Granville, their then bailly, and it was his unvaried answer, "I will hear nothing against the Lemprieres." He was president of the council; and supposed to know the laws of Jersey. What he delivered was received as certain, and the lieutenant-bailly and the jurats in general triumphed over justice, by the pertinaciousness of this nobleman.

Conspicuously superior as his talents were known to be, he was nevertheless a man impatient of business, and desirous of averting it. Though ambitious of power and employment he was governed by certain maxims which he had formed, and from which he never departed, but through necessity: and more than a tolerance of adulators was a foible, from which he was far from being exempted. One of his established maxims was never to desert the cause of those whose interest he espoused. He was the first of that illustrious family, since the murder of Charles the first, and the treason of the Lemprieres, who had ever degraded himself with suffering one of that race to be present in his company, and yet this lieutenant-bailly had found the means of prevailing on him to believe that their conduct was consentaneous with the welfare of the islanders, whom

whom he loved, and in which his ancestors had been constantly the most illustrious patriots. Besides these circumstances, Charles was his lieutenant; and such is frequently the condition of men of the most enlighten'd intellects, they conceive a complaint against their deputies, to be a reflexion on themselves, in the imperfection of their choice; and defend the misdeeds of those substitutes, with a view of justifying their own conduct.

The unhappy gentlemen of Jersey knew by repeated experience that to complain against these brothers was to be rejected by his lordship; and to be in still greater danger of being ill-treated by his lieutenant. On that account they suspended all application, and languished in hopelessness and affliction.

The common people had no means of applying to a superior power. They gnawed their chains in silence, and the dread of that commandment of Elizabeth which pronounced, "thou shalt not murmur." This part of the people who were most exposed to the oppressions of the sub-farmers, were the most numerous of all who possess the right of voting in elections. The *posts of jurat constable, centenier and others, were filled by whomsoever the brothers named, although they had sworn not to interfere in any election, by any means whatever. The parochial priests were nevertheless to recommend from the pulpit those whom the brothers commanded them; and they obeyed; because all the hopes of rising to a better living, and to the dignity of the dean, were founded on the recommendations of this magistrate; and of this monopolizer of all the insular posts. The states were equally under their mandates with the bench, and they were as certain of having their intentions voted into ordinances in that assembly.

sembly, as by the court. But they preferred the establishing that legislative right in the latter, because a governor or his lieutenant must give consent, and might offer a negative thereto in the states, and suspend the exercise of an ordinance, before it received the royal assent. These were objections to be averted, and the practice of making laws by the jurats, would afford a precedent to justify and continue it.

Huske, the governor, gave himself no concern on this account; and when applied to by the islanders, he dismissed their complaints with insult; applauded the measures of the Lemprieres; and swore he would support them.

Colonel Dean was lieutenant-governor. As he did not speak the French language, and knew no more of their constitution than that fallacious abstract of their privileges, which they gave him, he at first relied on it as a truth, but a short time informed him of the falshood which it contained. He became acquainted with their proceedings, and disdaining to participate in authority with such men, he desired to be recalled. Collingwood was then sent lieutenant-governor, he also soon knew their practices, and opposed them as much as possible. To remove him without a court-martial was not in their power. His honesty was offensive, and they resolved to be freed from it. As soon as the war began, they prevailed on the court to petition for a commander in chief, because their present lieutenant was superannuated, and unable to perform his duty; and by these means to supersede, and exclude from action, him whom they could not supplant or dismiss. They obtained their desires. Colonel Burgeis was then appointed commander in chief, who knew not their language. A little time revealed to him their conduct; And he also

also requested to be recalled for like reasons. To him succeeded major Forrester, and to him colonel John Campbell, whose conduct will be shewn as I proceed in this narrative.

William Sharp, first clerk of the council, was the friend of the Lempriers. He was susceptible of impressions from hams and claret. He, therefore, in cases of appeals, where the decisions of the court were notorious, summoned those members, whom he chose should attend such causes; and delivered affidavits in favour of the bailly and the court, taken secretly in that magistrate's chamber, if they were taken at all, before himself and two of the jurats, who had determined the suit which was then to be reheard. To these depositions, or no depositions, they frequently affixed the seal of the island; as if the affair had been transacted in full court, and before seven of the bench, as the law already recited commands it should be. But by order of king and council, 19th of May, 1671, when Charles the second granted all the court desired, this ancient and equitable mode which had been long neglected, was positively abolished, and three jurats were allowed to be sufficient in ordinary courts, and two in the extraordinary. The affidavits were never seen by the appellant. He could not therefore obviate the falshoods which they might contain; expose the manner and the means by which they were taken; nor the characters of the deponents. The members of the council received them as legal and authentic, and knew nothing of the insidiousness of such proceedings.

In consequence of this unlimited assumption of power, when a jurat died, his place was filled with a man, the most commodious for the fraternal purposes, and the least adapted to execute with judgment the duties of his office. Their
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brothers-in-law, captains and mates of ships, who had left the seas; whose science of the constitution and the laws consisted solely in the knowledge of handing, reefing, and steering, were chosen to be the judges of the lives, liberties, properties, and rights of the people, according to the ancient laws of Normandy, and orders of council, to the language of which they were as utter strangers as the attorney-general. In return for this unexpected honour from the brothers, these grateful magistrates consented to sacrifice their country's rights to their mandates, and deemed it a duty to support by their opinions all causes as they thought proper to direct, and to subscribe whatever falsehoods they might draw up in justification of their measures to the king and council.

*The office of solicitor-general remained unfilled. The lieutenant-bailly was resolved that no such person should have it in his power to contradict the conclusions of the attorney-general, and that neither the innocent nor the guilty should have an advocate, and that this ignorance, and their extortions, like the mysteries of the Druids, for which the island of Jersey was once so celebrated, and then known by the name of *Sena, might not be exposed, nor the jurats be instructed by a man of understanding and honesty, in the law and justice of those causes which he prosecuted. Such an intervention might check and intimidate them from voting as the attorney might conclude, and the lieutenant-bailly ordered. By those means it had been impracticable to conceal from the multitude so much of their unwarrantable behaviour, and more glaring iniquity of those sentences, by which their actions were intended

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* Jersey petit. Art. 12.

† Pompon. mela. l. 3, c. 6.

to be justified, and their purses filled with the exorbitant fines of those who were found guilty.

The other advocates of the court being appointed by the lieutenant-bailly, at his feet the candidates must bend, and lay their requests to be admitted into that office. It was expedient to their purposes, that none should fill such places, but those on whom the brothers might depend for their loyalty to them, and their treachery to their country. Two of their nephews, a son of one jurat, and a nephew of another, were appointed to these offices. Of the insolent and officious prominence of one of whom, in favour of injustice, and of his uncle's hardness, I shall soon exhibit a signal example. Another person, bred a taylor, whose talents could never raise him above the science of a botcher, was appointed to explain the laws, and to defend the rights of the people. Perhaps it was imagined that the magisterial cloak might require a constant mending; and therefore that it was expedient that such an assistant should be taken into their service. But I fancy this official covering will be rent into so many fragments, that it may surpass his art of botching to reunite them. But justice is the due of all mankind; nor will I, like the court of Jersey, either deny or defer it, but freely afford it to this man who was exalted from the shop-board to the bar. His parts, education, knowledge, and integrity are more than equal to those of the attorney-general, for he can play the fiddle. Oft hath he practised his harmonious talents at wakes and gambols of the stocking-knitters, by whom he was amply rewarded with a few liards, or half farthings. In this manner it sometimes happens in life that no cloud is so obscure, that the rays of merit do not pierce through, and manifest their luminous origin.

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A place of advocate was vacant. There appeared two candidates to fill it. One was a gentleman of a family superior to that of Lempriere, educated at Winchester school, and he left it with the reputation of an excellent scholar. The other was the son of that *tria juncta in uno*, composed of taylor, fiddler, and counsellor at law. Under this father he was bred, and ambitious of being a barrister. It is the indispensable duty of a magistrate, who has the privilege of nominating those who are to plead the causes of the people, to examine into their degrees of knowledge and integrity, and to prefer, without favour, him who is best adapted to discharge the office. The lieutenant-bailly was not deficient in this duty. He asked the gentleman of English education, "What were his connexions?" For by these it was that he determined to judge of his integrity and talents for the bar. He was answered by this candidate, "That as an advocate he should know nothing of connexions, but of those with justice; that, said he, I will endeavour to promote, as I shall be sworn to do, if I am appointed an advocate." This was not the connexion which pleased the lieutenant-bailly. He was rejected, and the taylor's son was advanced to that place.

Hence it appears that a man must indirectly promise to disregard his oath, as the terms of acceptance for the bar: and give that proof of his dishonesty, as a proper qualification for being permitted to swear that he will act uprightly. But may it not be the design of the brothers to admit no advocates who shall dare to defend their clients, in opposition to their behests and interest, who by the force and rectitude of their arguments, may preclude the pretext of determining causes contrary to law and justice? Their decisions seem

seem to receive some countenance from the feeble defence of those who will adapt their pleadings to the will of the fraternity; who will postpone the rights of their clients to the interest of the brothers; or who will undertake no cause in opposition to those in which the brothers are concerned. These circumstances, though at present they are suggested as queries only, shall speedily be answered by many facts in the affirmative.

*The constables, who represent the people, are by their oaths obliged to consult, and to be guided by their constituents in all matters which are to be transacted in the states. This expressly pronounces that these members ought to be previously informed of those acts which are to be brought into the assembly.

The lieutenant-bailly, and his confederate bench, pay no regard to this constitutional obligation, and the sacred depositions of the constables. But resolve to preclude all means of a previous examination, or knowledge of what they intend. The states are summoned on the evening, to meet on the succeeding day. The attorney general proposes the business. The affair is unknown but to the lieutenant-bailly and his associates. No time is given for consideration. Those who may exert the resolution of disputing its utility, are treated with insult and contempt. These who oppose it by their votes, are menaced with resentment. The act passes as the fraternity think proper, and they are registered in a manner which imparts the appearance of unanimous consent. Should a few constables offend the high and mightiness of Charles the stadholder, by a triennial evidence that they are men of integrity, the law

* Jersey petition, article 8

law may be called in aid to support the pravity of the brothers ; a new election may be appointed, and positive commands delivered against the choice of representatives so refractory, and improper to discharge their duty to their constituents ; and their places may be supplied with more pliable members. Obedience secures them. The constitution is neglected, and they remain constables without a new election, as long as they prefer the mandates of the brothers to the obligations of their oaths, and the welfare of the people.

* Concealment of all evidence which must prove evictive of the mal-administration of justice, by magistrates who have committed it, is constantly a desirable object to such men. † The acts of the states were not enrolled, ‡ and the records were denied to be inspected by the people, on those occasions in which they were necessary to be known for their rule of conduct, and the attainment of their rights. The former is subversive of all idea of a legislative assembly. The latter a defiance of an express law already cited ; and both preclude the rights of the islanders, and protect the decisions of unrighteousness.

§ By the tenures of the Jersey estates, there are in general services due to his majesty, which the proprietors are obliged to perform, as the condition of their being holden. The bailly and his jurats have made themselves lords paramount of their sovereign, and by acts of the court deprived him of his rights, and exempted themselves from those duties.

It has been already remarked that corn rents due from the lands of other men, constitute a great

* Jersey petit. Art. 9:
§ Art. 27.

† Art. 22.

‡ Art. 23:

great part of the property of the islanders. Persons, therefore, who are in want of money, sell so many quarters of wheat rent as will raise it, either of those they already possess, or on their own lands. These transfers, and sales, are extremely frequent; and the delay of transacting them, is prejudicial to the people. Such contracts cannot be made but by an oath*, and that deposition cannot be taken but in the presence of the lieutenant-bailly. The opportunity of such transfers is therefore delayed as long as he thinks fit to indulge his pride, or as some other more culpable motive is in the zenith of magistracy.

Whoever, stung with honest anguish for the impositions and tyranny of the brothers, and uttered a single sentence of disapprobation of their conduct, was certainly informed against, seized, imprisoned, and brought before the court. That which was a personal offence, if any, was converted to a criminal; and that which had no relation but to their private conduct, was transformed to a crime against the state. They were accused by the attorney-general of having held a conduct seditious, menacing, and injurious to the jurisdiction. And thus the revenge of individuals, was sanctified by the vigilance of preserving the dignity of the court. Prosecution was supported by no witness. The prisoner was compelled to repeat what he had said, by the dread of a long imprisonment; or if he refused to accuse himself, he was declared to be culpable on the suggestions of the prosecutor, and pronounced to be guilty on presumption, by the court†. Not only fines were imposed, exceeding the degree of the offence,

* Jersey petition, article 28.

† Article 18.

fence, even on supposition that it amounted to what the attorney declared, and that it was really a criminal act, but so laid as to make them ignominious. To be fined expressly to repair to the court-house, is deemed equally infamous with being burnt in the hand in England. But their vindictive spirit rested not at that point. In many instances of the like kind, amendes were added, the most intolerable to an honest man in that island, such as the *amende qualifiée*. This is to ask pardon of God, the king, the laws, the person offended, to confess the crime, and to express his sorrow for the commission of it. A sentence which inflicts on such men and their families a degree of infamy so great, that their company and society is avoided, as if they were infected with a moral pestilence. A sentence, which to the islanders is more dreadful than death; to the averting of which they would risque any danger, and pay any sum of money*. And in all such cases, no man is permitted to have an advocate to plead in his defence.

Such are the means by which these brothers have carried their iniquities into execution. This union of the attorney-general, and farmer of the revenues, in the same person, together with the lieutenant-bailly, and one jurat, interested in the profits, with a majority of jurats, the slaves of their mandates, hath in practice abrogated those salutary laws of James the first. By those the attorney-general was freed from the influence of the governor and his receiver, who harrassed the people by prosecutions altogether frivolous and unjust: but by uniting that office and the farming of the revenues, the like combination of mischief

* Jersey petit. Art. 18.

chief is effected, and the attorney accuses the people with one hand, for the sake of the farmer's receiving the fines with the other. In all misdemeanors of the receiver, however countenanced by the commander in chief, the bailly and jurats were formerly centinels and guardians of his conduct; because it was their interest vigilantly to oppose their own and the people's oppressions. But now the benefit of the lieutenant-bailly is united with that of the farmer and attorney-general; and dependant, for the profits they derive from thence, on the oppressions of the inhabitants: and the court of Jersey is transformed to a gang of prostitutes. By this accumulation of powers, the islanders are reduced to a condition more deplorable than that which existed before the constitutions of king John were granted; and while the ordinances of Elizabeth were raging in full vehemence under the rigorous administration of the Pawlets.

C H A P. II.

Maxims by which these brothers have governed the island of Jersey.

PETITIONS are frequently made on foundations, which are by no means able to support the charges which they contain, nor deserving the redress which they implore. That the Jersey petition may afford no cause of being stigmatised with that brand, I will now adduce such proofs of what I have already said, and of many atrocious acts hitherto unmentioned, as cannot be refuted by real or fictitious affidavits: although the insular seal should be affixed to them. Such even as these brothers, who have dared so egregiously, shall not have the effrontery to contradict.

Machiavel, who wrote those inimitable discourses on the decads of Livy, which can never die but with time itself, hath published also a treatise called the Prince. This production was intended to excite the vigilance of the people, timely to oppose those nefarious invaders of the rights of humankind. And to that intent they explain the daring means by which those men, who hesitate at no act of insidiousness or cruelty, may acquire sovereignty. Unequal to a task so arduous, and as my subject requires no such pre-eminence of faculties, I shall attempt to lay before my readers of the little isle of Jersey, those maxims by which the imperious brothers have directed their policy; and these, drawn from their transactions, and illustrated by examples, will at once explain the motives of the Jersey petition, and justify this undertaking.

Maxim I. On the opening of the court of heritage, once in the year, to assume the legislative

tive power; and by an act of the lieutenant-bailly and jurats alone, annually to renew all those ordinances, good and bad, which have hitherto been made. To evade the constitutional rights of the island, which allow no power to perpetuate such acts beyond the duration of a year; and to render of no effect the order of king and council, which declares that such ordinances shall have no power or property of law, until they be confirmed by the king.

It is the annual practice of the lieutenant-bailly and the jurats, on the day in which the court of heritage is opened, to pass an act that all those ordinances, ancient and modern, which have at any time been passed, shall thereby be renovated and confirmed.

By this honourable transaction they violate the legislative right of the states; rescind the prerogative of their sovereign; continue annual ordinances for ever, under the fallacy of this spurious renewal; and assist or depress by these instruments all whom they are pleased either to favour or to ruin. By these means they have accumulated such volumes of inconsistencies, contradictions, and means of perpetrating their enormities, as are unintelligible and unexampled in the history of mankind. Of these I shall adduce a few instances of the various modes and methods by which they have converted the island into a prison, and their fellow-countrymen into slaves.

Maxim II. To obtain from his majesty and his council, such orders as may render petitions of doléance still more odious, and thereby to excite a displeasure in the minds of the board, by the title of the petition, previous to the examining of the merits of the cause.

The great restraint which now remained on the arbitrary and illegal measures of the lieutenant-bailly and the jurats, was the right of the islanders to petiti-

On his majesty by doleances, in all such cases where in the former had infracted the laws, and refused to register or to grant a copy of the record of the protocols. By these doleances their insolence and injustice were laid more open to discovery, and that dread hung on their apprehensions, lest by such disclosure they should be condignly punished, and dismissed from office and advantage.

The absurdity of the former restraint, which had been laid on such applications, hath been already shewn. But nothing was too iniquitous for the temerity of these brothers and their confederates. They foresaw that a perseverance in their illegal insolence of denying copies of the records, must at length create such frequent doleances, as must convince the council, *prima facie*, that all of them could not be needles, and thereby produce a more attentive scrutiny into the cause of them.

On this account they applied to his majesty in council, for a farther restriction on such applications, and in the year *1761 it was ordered "that due reverence should be paid to magistrates, and punishment inflicted on all such as should trouble the crown with groundless doleances." Although it be in no sense extraordinary that Charles Lem-priere and the jurats should apply for such an impediment to procuring justice; is it not amazing that such an order should have been issued by the board? since by the repeated ordinances of former soverieigns, it is demonstrably true, that no petition of dolance can be presented, but in cases wherein the court hath violated those orders, by denying a copy of the cause; in order to procrastinate an application by appeal, and encrease the expence of the complainant. Thus by the words groundless, an
avenue

* Order of king and council, 19th of May, 1761. Art. 3, and 15.

avenue was laid open for the court to misrepresent, to falsify and be credited in their answers to such doleances. Instances of such events shall be adduced, sufficient to convince an understanding as hardened as the impenetrability of the most obstinate Jew.

Maxim III. Totaint with calumny the characters of those advocates, whose integrity supports them in doing their duty by their clients; in order to impart an unfavourable idea of such causes which they have supported, when by appeals or doleances they are brought before the council; and never to appoint an honest advocate, as long as his antithesis can be found in the island.

Of the six advocates who appertain to the court of Jersey, Mr. Le Breton was the only man who had resolution to undertake, and spirit to support those inhabitants of the isle, who had any law-suits with the members of the court; but more especially against the two brothers. He explained the laws, defended his clients, and exposed the illegal conduct of the lieutenant-bailly and the jurats. Nothing is so terrible to a nefarious court, as an honest barrister, who has resolution to expose their enormities. On this account, as it was impossible to sustain his character among his countrymen, the lieutenant-bailly was resolved maliciously to misrepresent him to the council.

Mr. Le Breton had supported the cause of Mr. De Carteret. The court had given it against him, and he applied by doleance to king and council.

The lieutenant-bailly took this occasion to insinuate with derision, "that *Mr. Le Breton displayed in his favour all the eloquence that large fees could inspire, and then produced, for the first time,

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Answer of the lieutenant-bailly and jurats to the petition of De Carteret.

the claimant's commission for arming a privateer, as also several orders and charters, tending to excuse the complainant's proceedings. But upon the whole, the court was unanimously of opinion, that the complainant's behaviour was a manifest contempt of all authority in this island, which if not kept up, might endanger the public liberty and tranquillity, and therefore condemned him to a fine, for his contemptuous and arrogant proceedings." In their answer also they treat Mr. De Carteret with contempt, and insinuations against his loyalty to the king, although he was arming a privateer against his enemies.

These reflections against an advocate, so well known for his integrity, and on one who bore the name of De Carteret, and descended from the same family with the earl of Granville, then bailly of the island, Lempriere, his lieutenant, was suspicious might be no pleasing conduct in the eyes of the earl. The former, therefore, in order to obviate the ill effects of such an insolence, represented to the earl that both Le Breton and De Carteret were disaffected to the government, and rested on the earl's old maxim of attachment to their interests, for his believing those assertions.

This reflection of venality on Mr. Le Breton comes with an ill grace from that man, who was exercised in the daily commission of rapacious acts. It was the more peculiarly unjust, because Le Breton was at all times the willing advocate of the poor and helpless, whom these brothers oppressed. It was this beneficence which created their animosity against him. At the same time Mr. De Carteret had told the lieutenant-governor of his intention to engage men for his privateer, and therefore the proper person was acquainted with it. Nor was it the custom for any Jersey man to apply for permission

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on to the court to engage men for such armaments; nor is there any law which requires it. But as he offered larger sums than the lieutenant-bailly and the jurats, who were engaged at that time in preparing privateers, they sent him a verbal message, only to desist from engaging seamen.

But suppose this message of the court had proceeded from a legal authority to suspend him from proceeding in the engaging seamen; at the trial on the 4th of November, 1756, they confess that his majesty's commission was produced, ordering all magistrates to be aiding and assisting in such armaments. Was it not an act of effrontery in this lieutenant-bailly and these jurats, to supersede the authority of the crown, and place their own as an interdict to that right, which their sovereign had lawfully imparted and commanded them to obey? They allow also that several orders and charters tended to excuse the complainant; and yet, upon the whole that is in express contradiction to the commission of his majesty, positively pronouncing, that they should aid and assist Mr. De Carteret; and to orders and charters, which excused or permitted him to proceed, they have the face to add, that the court was unanimously of opinion, that his behaviour was a manifest contempt of all authority in the island. To act under the king's commission, and to conform to the laws, is made by this court a criminal act, and flying in the face of their authority. For this De Carteret was fined, and Le Breton treated with derision. Unheard of insolence! in which even a greater indignity is offered to their sovereign, than injustice to his subject. And the public safety and tranquility of the island would be endangered unless the arbitrary proceedings of the Jersey lieutenant-bailly, and his *crapeaux des jurés*, were indulged in becoming paramount to the

king, and regardless of the laws. Such was the answer which the bailly's deputy and the jurats dared to transmit to their sovereign and his council. The malevolent insinuation of the court, contemptible as it was, hung heavy on the heart of Le Breton, and, as the islanders report, hastened his death. For whatever may be the hardened sensations of shameless men, the slightest misrepresentation of an action, which may depreciate a good character, is not unfrequently a dagger that deals an incurable wound to the bosom of an honest man. It is not the lot of all men to prove insensible to the honest censures of the world, like this fraternal pair of Lemprieres.

When this reflection on Mr. Le Breton was reported in Jersey, many gentlemen of the island enquired of the jurats how they could assert and sign such false and scandalous reflections on that advocate's known integrity. They denied the fact, and insisted that no such words were contained in their answer. But a copy of it being obtained from England, and presented to their eyes, they then declared they had never read what they had subscribed; that they had taken the lieutenant-bailly's word that it was drawn as it ought to be; and that as he had already signed it, they implicitly followed his signature. These are the men, who, like blind beggars led by a cur, dispense that justice by which that island is so signally cursed.

Le Breton being dead, and the appointing of advocates being in the lieutenant-bailly, he was determined to be no more embarrassed by men, who were obstinately honest; and he filled two places with his nephews. And thus the bench and bar being most perfectly adapted by their united efforts to become the abject ministers of the tyrannic Lem-

Lemprieres, it shall now be shewn in what manner they proceeded to harass, oppress, and ruin their fellow-subjects.

Maxim IV. To renounce all sensations of humanity; to afflict the captive with anguish; to deprive him of the necessaries of life; and to refuse all legal means of their being redressed, in order to enrich themselves by inflicting misery on the unhappy.

*During the late war, when colonel Forrester was commander in chief of Jersey, and Philip Lempriere, esq; the agent for the prisoners of war, complaint was made to the colonel of the inhumanity with which they were treated in every respect. Compassion and duty immediately engaged the colonel to be ocularly informed of the circumstances of their complaints; and he went attended with several of Lempriere's friends to the prison. The situation of these men, made miserable by captivity, was enormously encreased by the brutality of the agent. They had been allowed no straw for six and thirty days. The windows were broken, and they were almost perishing with cold; and twice in the week, or perhaps more, they were fed with Newfoundland fish, so rotten and putrid, that one gentleman who had part of it in his division of the cargo, buried it in a dunghill, as unfit to be eaten by any animal, much less a human being. Touched with this reality of ill treatment, the colonel applied to have it redressed. It was promised that it should be done. But their miseries were augmented.

Complaints again being laid before him, he went once more to the prison, accompanied with the lieutenant-bailly and three jurats. All the objects of the prisoners complaint were found to

* Vide colonel Ferrester's affidavit. Append. No. 2.

be indisputably true. On the next day this commander in chief, in an assembly of the states, applied in particular to the lieutenant-bailly and the three jurats, who had been witnesses of the savage treatment of the prisoners; and requested them that a number of the court which was requisite for the administering an oath, would take the depositions of the prisoners; that they might be transmitted to the commissioners of war. This humane proposition offended a servant of the agent. He objected to the asking of any questions from the prisoners by any man whatever; and insisted that not a man of them should be brought from prison, to declare what treatment he had received; and that no person should be admitted to hear their complaints. He declared also that he had positive orders from Philip Lempriere, the agent, who was then in England, to act as he had done; and that his treatment had been conformable to his peremptory orders.

Colonel Forrester then applied to the combination of *taylor, fiddler, and advocate, who was exalted to the rank of deputy attorney-general, as the properest person to supply the parts, law, learning, and oratory, of his principal. He desired to know his opinion on what Lempriere's servant had offered; and required him to indicate some method by which the allegations of the prisoners might be ascertained. This learned lawyer replied, that it was his opinion that the court could not interfere in that affair; and as attorney for the agent, which he declared himself to be, he objected to all means either of hearing or verifying the

* The common people of Jersey distinguish this man in his various employments, by a term applicable to them all, yet taken from the original occupation, *T'habile homme*, viz. *l'homme qui habile*.

the complaints of the prisoners; and declared that he also had particular and positive orders from the agent so to do.

The bench refused to take cognizance of the affair. The colonel urged a variety of arguments drawn from reason and humanity. One jurat only joined with him in this act of compassion and justice. The bailly, and the others, remained untouched with either of them; and refused what the colonel proposed. Disappointed in this application, he required of the lieutenant-bailly that the affidavits of some gentlemen might be taken to evince that he had applied in the preceding manner to have the prisoners relieved from their distresses. To this the court appeared unwilling to accede, when colonel Forrester, impatient of their hardness of heart, declared unless they complied with that request, he would dissolve the states; and lay the reasons for his conduct before the king and council. By this declaration they were intimidated to grant the affidavits of the gentlemen to be taken.

Such another coalition of inhumanity and impudence is not easily to be found. The servant of an agent before a court of justice pronounces that the prisoners shall neither be permitted to make oath, nor to be examined. The deputy attorney-general, servant of the king's servant, being asked his advice by the commander in chief, evades the duty which he has sworn to perform; starts forth the advocate of the agent; objects to all means of hearing and verifying the complaints of the prisoners; and declares the court cannot interfere in that affair. The bailly, and all but one of the jurats, refuse to give the helpless redress, though they have sworn that they will preserve, and cause to be preserved, the rights of strangers and the

the defenceless. Do the calamities of war rescind the prisoners from the rights of nature? Are they to be starved and treated with brutality to enrich an infamous agent, because he shall dare to convert that money to the enriching of himself, which the king and nation have given for the sustenance of the miserable in captivity? and are all means of redress to be denied by an atrocious magistracy, who acquiesce in that barbarity; and desert the sworn service of their king, to support the most contemptible of his subjects. Yet such was their transactions.

Colonel Forrester, indeed, humanely endeavoured to effect by the means of others, what he himself had a right to execute. The commander in chief can at all times administer an oath; and it is his indispensable duty to perform that office, when the magistrates refuse it. But commanders in chief being informed of little more than what is contained in the abstract of their privileges, which the lieutenant-bailly presents them, are timid in proceeding in an unknown country, among a herd of savages, who insidiously lie in ambush, with resolution to circumvent them. Forrester penetrated with horror at these brothers, requested to be recalled from the sight of such brutes, and left the island.

Maxim V. To insult the legislature, despise their resolutions, and tear their acts before their faces, in order to evince the commander in chief, and the states, that what they enact shall be no law, if it opposes the fraternal interest.

Such having been the obduracy and insolence of Philip Lempriere, as agent for the prisoners, let me now exhibit his effrontery, in that part of his office of attorney-general, which is delegated to the service of the states. It had been experimentally found that the
rushes

rushes which grow on the sea shore, were preventive of the lands being blown in upon the lands and spoiling the soil. An act had been formerly made, imposing a small fine on all who might cut them down. This having proved ineffectual, it was thought proper that another should be passed, laying a larger fine on all such transgressors.

*The act was voted, and the attorney-general had officially received it. Notwithstanding he is no more than the servant of the states, he audaciously insisted on a larger part of those fines to be given to the king, than the act expressed; which as farmer of the revenues he was to receive for his own emolument. The bailly, jurats, and the states, awed by the superintendence of colonel Campbel, who was now commander in chief, and the knowledge of his character, were ashamed to retract what they had voted, and to comply with the farmer's rapacious inclinations. Urged by this unaccustomed refusal, he declared, unless they would encrease the fine, that the act should not be passed: this insolence being still uncomplied with, he tore it to pieces with disdain, before the commander in chief, and the three estates of the island and trampled it under his feet. Not a word of reprimand; not a syllable of disapprobation was uttered by one of the states: and that intolerable insolent remained unpunished for this atrocious indignity, not only by the states of Jersey, but even by others to whom it was represented by the commander in chief. And yet we shall exhibit a multiplicity of instances, in which men who have uttered a few words, obliquely glancing on the characters of these brothers, were dragged from their families, tried, found guilty, fined in money, disgraced in amendes, and imprisoned, as having offended against the jurisdiction, where

* Mss. of a late commander in chief.

where no evidence, but the suggestions of this hardy dunce, was brought before the court. Why the lieutenant-bailly was silent, may be easily suggested. But such an abject exhibition of servile silence, and suspense of punishment, is not to be equalled in any age, nor by any legislative body upon earth; nor such matchless effrontery to be instanced by a man, officially the servant of those whom he so atrociously insulted.

Maxim VI. To assume the legislative power in the court of law; make acts for raising money; alter the manner of the constitutional enquiry into offences; appoint the constables to an illegal duty; convert them to informers: and deprive the lawful officers and the people of their ancient customs, for the sake of advancing their gain.

There are thousands who are regardless of their own honour, and the welfare of their country, who will nevertheless do every thing but take arms, if they be defrauded of their annual feasting. Philip Lempriere even dared to despise the resentments of disappointed gluttony. The annual visits of the viscount to inspect the roads hath been already mentioned. Twelve days in the year were the jurats, the viscount, and their attendant officers, constitutionally entitled to be entertained by the receiver. But these festivities were at the expence of the farmer, when the revenues were farmed, and in those charges the lieutenant-bailly was a loser also. The brothers brought an act into the court, and it was passed*. That the constable of every parish was to survey the roads; to inform against those who were delinquent in lopping the boughs, by his single authority; and the fines were encreased to four times the usual sum. By this act the legislative power of the states was usurped; the

* Jersey petit. Art. 6.

the viscount and his companions were deprived of their convivial rights; the expence was not only sayed to the farmer, but his purse was made more weighty by the augmentation of the fines; the constables were degraded from being the representatives of the people, to informers against them; and the inhabitants were oppressed by augmented imposts. Such was the amazing influence which the brothers held over the bench of jurats.

Having thus shewn the modesty of Philip the cadet, I shall now diversify the narrative with the exploits of Charles, who is the great chieftain by primogeniture. And as it is an observation which he has frequently made in public, that the Lempriers are the heroes of the island, I shall now proceed to exemplify that declaration by the evidence of facts, which shall afford him the incontrovertible means of effectually supporting the truth of what he hath advanced.

Maxim VII. To assume a power superior to that of his sovereign, and impose services on the inhabitants by his single authority.

I have already shewn in what a multiplicity of instances the bailly and jurats, by their own acts have conjointly abolished the rights of the king, and denied him his due service. I shall now exhibit an instance, in which the lieutenant-bailly hath singly assumed that power, which the king of England hath not; and instituted an illegal service not only on his own feudal tenants, but on all those islanders, who are enabled to perform it.

On his fief of Roselle he is now building a mansion-house, and as the stones with which it is constructed, are brought from a place at a few miles distance, he ordered the constables of the respective parishes to acquaint their parishoners that the lieutenant-bailly expected they would employ

ploy their carts, horses, and oxen, in bringing stones to his new building. This declaration was as coercive as a written mandate of Peter the Great, Czar of Muscovy. They knew he had no right to this service, but the dread of being ruined by the exaction of corn rents, tythes and judicial decisions, operated like the decrees of fate. They hastened to the work, with execrations on him who had caused it. The roads were filled with carriages. The task was done; and it may be truly said, the mortar was tempered by the sweat of their brows; and the house raised on the curses of the people. Such was the renovation of the Pawlets oppressions. Their tyranny was abolished in a succeeding reign. Shall that of the Lemprieres be suffered to subsist in this, distinguished by acts of benignity and justice?

Maxim VIII. To apply the different denominations of money to an extortion of one half more than the legal demand, because the means of acquiring justice are rescinded.

It has been already related, that when the currency of Jersey money was altered from four liards to six in the fous, that all creditors were either to receive their money at the old standard at which it was borrowed; or to reduce their obligations to the present. Unless this had been the decree of council, those who were indebted a thousand livres old currency, must have paid a like number of the new. And by that method the discharge of the nominal thousand, must have amounted in fact to fifteen hundred. It is evident that all money rents, which are not numerous in the island, must necessarily follow the spirit and intention of the law. For such debts are constantly incurring by the progression of time; and are insusceptible of being paid off by any one payment. For a payment which
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becomes due twelve months after the order of council; could not be due at the end of six, and therefore not designed to be included in that order. All proprietors of such rents are certainly obliged to observe in their receipts, the value of the old currency at which they were first stipulated; and the tenants are not to pay thirty livres, for what is in reality but twenty; because that sum of thirty livres, is now called twenty, money of order.

*A person, whose name is Drilleau, purchased an estate from Michael, the grandfather of the present brothers, in fee farm, on the annual payment of a certain sum of money; when money was at the old currency. It was in a most uncultivated condition; but by the honest and persevering labour of him and his family, it is now become a decent support for those who think the simple necessities of life a blessing from above. This situation became painful to those eyes, which can behold no man at ease, and enjoy tranquility themselves. The lieutenant-bailly, with the full consent of madam de Roselle, his lady, was resolved to invade the peace of this family, and wring from their labouring hands a larger share of their productions. He therefore insisted that Drilleau should pay his rent according to money of order, which was one half more than that which was justly due; and what he had hitherto paid. And he insisted on the words of the act, that all persons indebted, who did not discharge their debts in six months, or change their bonds, were to pay according to that denomination. First of all, a fee farm rent is not an obligation to be discharged but quarterly. Next, that rent which became due seven years after the act was made, could never be included in that

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* Bentinck's reports, the name of Lempriere not mentioned, referring to paper, No. 3.

which was to be paid within six months. And, lastly, since the old currency, though changed in name, was equal in value to what it was before, there was not even a shadow of argument for this demand, or for the payment of it.

Where the heart is inexorable, reason is dead. And I have already shewn, that such must be the bosom of Charles Lempriere, esq; and I wish I could except his lady. The tenant pleaded in vain. Payment, or the law, was the alternative. He knew that to comply with his demands, was yielding to injustice; that to contend in law, was to have that injustice confirmed, at an additional expence; that appealing to the council was impossible, because the sums, as they became due, did not amount to twenty pounds; and that if he could appeal, the expence of the application would be the ruin of himself and family. He therefore complied; and since that time he hath paid thirty pounds for what was, and ought to be but twenty, in all his subsequent payments. I would now ask, in a constitution so formed, what are the laws but instruments of torture? And in what sense does the magistrate who judgeth, differ from the executioner who breaks upon the wheel?

Maxim IX. To convert the manor court of a contemptible fief into a legislative assembly; to enact laws for inverting the order of evidence, and oblige the suitors to prove impossibilities; to refuse the rights, seize the effects, fine for seeking justice, and deny it in the royal court of Jersey.

John Le Riche, proprietor of a messuage in the manor of Little Roselle, belonging to Charles Lempriere, the lieutenant-bailly, containing about twenty-four verges, or fourteen English acres, paid compart, which is the twelfth sheaf, to Lempriere,

priere, lord of the manor, for four verges. In this case of compart, the king hath the eleventh as tythe. In the year 1716, Michael Lempriere, grandfather of Charles, demanded compart from every part of the messuage. Since the year 1625, this land hath passed through various hands; and in no deed or contract is there mention made of compart to be paid, but from the four verges, which hath been duly discharged. So that a quiet possession of ninety-one years, would give a double title to non-payment, were there no other, since by the laws of Jersey *forty years are sufficient to that purpose.

Notwithstanding this undoubted right, Michael Lempriere intending to exact the compart from all those who possessed estates in that fief, and with a view to intimidate the rest to a compliance, selected this man of small substance, and commenced a suit in his own manor court of Little Roselle, for carrying his corn from off his messuage, without paying compart for every verge. Le Riche denied the title of Lempriere to that claim. The cause was then deferred, and Lempriere was ordered to prove his right to what he demanded. In consequence of his inability to produce any proof, the cause was suspended in his fiefal court twenty-eight years by different adjournments, till the year 1744. At this time Le Riche was again summoned to the court of Roselle, for non-payment of his compart. He again declared he had constantly paid all that was due; and was ready to pay that which was demanded, as soon as Lempriere could prove his title to it.

Philip Le Geyt was then lieutenant-bailly, a man of knowlege in the laws of his country, and of probity in the execution of them. The usage

* Case of Bandinel, 1668.

of Le Riche by Lempriere, and the conviction of all the inhabitants that he was not entitled to his demand, became the just object of honest censure. Lempriere was exclaimed against as an oppressor, not only for demanding what was not his due ; but for suspending a cause so many years in his own court, as by those means Le Riche could not appeal to the superior court, before the suit was determined in the inferior. Lempriere, hardened as he was, was willing to obviate this reproach. He began a suit in the royal court ; but Le Geyt was still alive, and through consciousness of his want of title, and his dread of receiving justice, he withdrew it, and neither in one court, nor the other, at any time, attempted to give any evidence of his right. In this manner the cause remained from 1744, to 1752.

Philip Le Geyt, lieutenant-bailly, before whom he had not dared to bring on the cause, was now dead, and Charles Lempriere, the son, made lieutenant-bailly, and Michael, the father of the present Lemprieres, a jurat on the bench, accompanied with many relations. The hour was now arrived for executing what had been for that purpose so long delayed. Michael revived the cause in his manor court; not only to oblige Le Riche to pay the compart, but to fine him for delinquency. This addition was intended to intimidate the man, and induce him to comply. The cause, however, was remitted *sine die*, and again renewed in the same year. This menace had produced no effect on Le Riche.

Michael knew it was impossible to bring any proof in right of his demand, or to found any pretext for this oppression, as things then stood. But the barriers of equity are no impediments to men of principles so absolutely abandoned. These
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were to be surmounted: and to that intent it was necessary to invert the order of all evidence, as preparatory to the accomplishing their iniquity.

*In 1754, the siefal court of Roselle assumed a legislative power, and discharged Michael Lempriere from the legal obligation of proving his right; and that Le Riche should pay compart for the whole messuage, unless he could bring proof of his being discharged from that payment. At the same time Le Riche was sentenced to a fine for contumacy. In this manner Lempriere was excused from proving what was absolutely requisite to verify his claim; because it was impossible he could prove it; and Le Riche, in order to be discharged from paying this inequitable demand, was sentenced to prove an impossibility; that he had not paid his compart. Such was the heinous transaction in the siefal court of Little Roselle, in order to plunder an honest man; and to give to the lord of that sief, that compart to which he had no title. This was a negative, of a nature not to be proved by any circumstantial evidence. In this case there was no room for an *alibi*. So that from the creation to that hour, the pretence of law had never been perverted to a more flagrant act of villainy.

In 1755, the cause was again brought before the manor court, in three several actions distinctly heard, and it was then determined that he should pay his compart for 1753, 1754, and 1755, together with a fine annexed to each sentence for contumacy.

Le Riche then required from the siefal court those written means, which were necessary to bring the cause, by appeal, before the superiour court of Jersey. This right was peremptorily denied

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* Act of the sief of Little Roselle, No. 5.

nied him; and he was rudely turned out of court. Driven to extremity by this barbarous treatment, he applied by petition of doleance to the court of Jersey. Charles Lempriere, the lieutenant-bailly, and Michael, were summoned to appear in court, 25th of April, 1755. Le Riche requested that he might be permitted to have an advocate to plead his cause, because the whole number refused to undertake an action against the Lemprieres. This right was denied him, and he was fined twenty livres*. And in this act they made no mention of the suit between Lempriere and Le Riche.

This is an artifice not uncommon among them, that if at any time, on appeal, the copy of such act should be produced before the council, the true state of the affair may not appear; and thereby afford them a pretext of falsely asserting that the fine was not laid on the account mentioned in the petition.

In 1756, the provost, who collects the fines which are to be paid to Lempriere, as lord of Little Roselle, seized some furniture, and the only cow which Le Riche possessed; and on the milk of which his family in a great measure depended for sustenance. These were sold at auction in the court, and Le Riche offered to make assignment of effects equal to the value, if Lempriere would stay till the cause was decided. In 1758, he was again successively sentenced in several actions on the same day, to pay the compart of 1756, 1757, with a fine annexed to each, and in 1759, to pay in like manner the compart, with a fine.

Such

* Act of the royal court of Jersey, 11th of May, 1756.

Such being the enormity of their oppression, Le Riche applied to king and council, requesting that he might be permitted to have an advocate to plead his cause in the court of Jersey; and that all proceedings might be stopped, till Lempriere produced his title to the compart.

The council granted his request, that his cause should be heard and determined in Jersey; that he might proceed in *forma pauperis*; that he should have an advocate, and appeal to that board from the decision of the court of Jersey, if he chose it.

Charles Lempriere, esq; lieutenant-bailly, had now succeeded to the estate and virtues of his father. Of the latter he has proved himself to be the most deserving heir, as it shall be evinced by a multiplicity of indubitable testimonies. He was at once both judge and party. No proof was brought by him that he had the least claim to this compart. It was impossible Le Riche could prove he had never paid it; and nevertheless the decision went in favour of the chief magistrate. Such was the power which he possessed over the minds of a majority of the jurors; and such the integrity of these magistrates who sit to render justice to the islanders.

From this sentence Le Riche appealed, and demanded a copy of the record. The greffier, asked if he had money to pay the expences? And the lieutenant-bailly answered, he hath some cattle, which they might take.

The lieutenant-bailly then demanded to have the writings, or contracts, as they are called in Jersey, of Le Riche, to be delivered into his possession. These contracts expressing not a word of paying compart for more than four verges, were a sufficient demonstration that no more was due;

and if Le Riche was deprived of these, the most authentic of all evidence was taken from him. Le Riche, however, gave them into the hands of the greffier.

In 1765, Le Riche summoned the lieutenant-bailly, and demanded his writings. The greffier accordingly returned them. This being done, he recovered his writings, and came to England.

He laid his cause and his writings before king and council. It was heard; and in the year 1765, the right honourable the committee for the affairs of Jersey, after having examined the writings, declare, on the subject of the compart, that the papers relative to the rights of John Le Riche, make no mention of the compart on the lands in question, and the petition was referred*.

Since that time the appellant hath not been able to obtain an official copy of that determination. During this procedure, William Sharp was clerk of the council. In october 1769, the lieutenant-bailly was in England; Le Riche saw him at the council board; upbraided him with his injustice; told him of the order of the committee; and bade him appeal to it. He did so, and since that time Joseph Sharpe hath proposed to purchase the estate from Le Riche, which he refused. The lieutenant-bailly remains in full exercise of his exactions.

In this situation the affairs of this injured man remain at present. He hath received no relief, and being disabled in one hand, is incapable of getting his bread by labour. If he returns to Jersey, he is conscious that the lieutenant-bailly will add imprisonment to his other barbarities : on
this

* The preceding facts are taken from an affidavit.

this account he still tarries in London; incumbered with great distresses, an object of the justest commiseration.

On this pretension, acknowledged by the right honourable the committee for the affairs of Jersey to be groundless, the lieutenant-bailly hath exacted compart from all those who possess lands in the fief of little Roselle; from some one fat sheep, from others two, annually. These defenceless persons, for whom no advocate dares to plead, or, if he speaks, betrays his trust; are intimidated by the fate and ruin of Le Riche. They are convinced that justice will never be obtained from that man, who is at once both prosecutor and commander in chief of the bench of jurats; they have therefore yielded to his extorting demands, and acquiesce in rapine, to avoid perdition. The oppressor triumphs, and the honest dare not murmur against his jurisdiction, through the dread of fine and imprisonment.

Maxim X. To determine the same cause, two different ways, if the first be for self-interest, and the second for revenge, and to convert other men to the perpetrating of what they themselves cannot singly effect.

The proprietor of an estate, named des Augres, was so much indebted, that being unable to discharge the demands which were made upon him, according to the laws of Jersey, he renounced his estate. It was decreed by the court, in the manner which I have already described, to four of the creditors, who undertook to discharge the debts which were due to the others. Part of these debts were paid to the lieutenant-bailly, to one of the jurats, and to Mauger, the advocate, as guardian for another person. On this decree these four gentlemen had liquidated between two and three thousand pounds; were lawfully and indisputably in pos-

possession, and proprietors of the estate; and had rebuilt great part of the mansion-house. Of these four, to whom the estate had been thus legally decreed, one was named John de la Parelle. Nicholas Fiott, merchant, whose case I shall relate hereafter, was committed to prison by the lieutenant-bailly and the jurats; and the atrociousness of the commitment excited the universal abhorrence of the islanders against the brothers.

De la Parelle, stung with a just sense of Mr. Fiott's treatment, went express to London; laid a petition of doléance before the king and council; and an order was given with the greatest dispatch for his release. Notwithstanding which, he remained about two months in prison. This act of friendship and humanity of Mr. De la Parelle, was considered by the imperious brothers, as an indignity offered to their mightinesses; and they were determined he should feel the weight of their resentment. Various are the methods by which they carried that displeasure into execution. One of which alone I shall relate. And such are the impetuous and blind pursuits of vengeance, that the very means which they put in execution to injure De la Parelle, have brought upon themselves an indellible characteristic of an opprobrious magistracy.

The person who would have succeeded to the estate of des Augres, had it not been sold, commenced a law-suit against these four gentlemen, to whom, according to the laws of Jersey, and the judgment of the court, it had been decreed. Whether he was invited to this proceeding by the lieutenant-bailly, I have no other evidence to adduce than the universal belief of the islanders of Jersey; and on that I leave it to the determination of my readers.

The

The action being brought before the court, the identical lieutenant-bailly and jurats who had decreed the estate to Mr. De la Parelle, and three others ; by whom the debts had been paid, which were due from that estate, to the lieutenant-bailly, and others of the court, gave the cause in favour of him who claimed it : and thus having obtained their money by one determination, satisfied their resentment by another, which was diametrically opposite ; and that nothing might be wanting to this flagitious act, Mauger, who had received some part of the money, was advocate against the decree by which it had been paid. During the trial, one of the jurats, who is named also Lempriere, of another family from that of the lieutenant-bailly, spoke his sentiments with horror of this duplicity of determination, and the scandal it must bring on the court. The chief magistrate insulted him from his seat with abusive language ; delineated him as an old foul ; and told him he knew nothing of the laws of Jersey. With what power of face must this Seigneur de Roselle, this Janus of a judge, be indued.

Mr. De la Parelle appealed from the court of Jersey to the king and council. The judgment of that court was reversed, and he and the other lawful proprietors, were confirmed in the possession of the estate. In this manner the brothers executed their vengeance on the man who had humanely served his friend, in opposition to the will of tyrants, and brought upon both the litigants the no slender expence of carrying on this suit before the court of Jersey, and the council, by appeal. Such are the insidious means by which he seduces to ruin those whom he pretends to esteem, in order to execute his vengeance on those whom he professedly detests.

Maxim

Maxim XI. To remove by stratagem those who cannot be displaced by power, in order to supply their offices with men, who will obediently resign the dictates of their own consciences to the mandates of others.

The post of greffier in the royal court is one of the most important and the most lucrative offices. It was held by Mr. De Carteret, who was not adapted to the purposes and pursuits of the lieutenant-bailly. This officer records the decisions of the court; and from these the copies are obtained, which are necessary in cases of appeal. On this account it appeared necessary to the pursuits of the lieutenant-bailly, as the only thing which opposed his absolute commands, that the greffier also should be removed, in order to place another on whom he might confidently rely for implicit obedience. Mr. De Carteret had committed nothing, which could be imputed to his charge; nor had he offended the lieutenant-bailly in any thing, but by his integrity in office. He was related to the lord Granville, the then bailly of the island; and, not improbably, that circumstance might intimidate his lordship's deputy from his usual method of disregarding justice. His removal was nevertheless to be effected, although the mode of it was to be varied.

The place of jurat and of greffier are incompatible; and whoever is chosen, and refuses the former is fined forty pounds: and in like manner for every subsequent time in which he might be elected, and refuse the post. To make De Carteret a jurat was now the adopted policy: for the lieutenant-bailly imagined that on the vacancy of the greffier, he should prevail on earl Granville to fill it with that person whom he should nominate.

The

The death of a jurat intervening, he ordered his emissaries to possess the minds of the electors, that Mr. De Carteret was the properest man in the island; and him whom the lieutenant-bailly recommended to their choice. De Carteret was informed of his design. He remonstrated against the being elected to a place which he disliked; and forced from another which was more lucrative; and more advantageous to the people that he should be preserved in it. As a jurat, he was a single man against eleven, where honesty was of small importance. As greffier, he entered and kept the records of their causes, and their laws, and in that he alone was of infinite consideration to their rights and privileges. Conscious of this truth the people would not elect him, and he escaped the vulture on that occasion. The lieutenant-bailly is of a spirit so pertinacious in self-interest, that he never desists from any attempt, as long as there remains a possibility of its being accomplished.

Another jurat was summoned from the judgment-seat on which he sat, to answer before that, where no attorney-general draws unjust conclusions for obedient knaves; and where no council can be deceived by fictitious affidavits, to which an insular seal may be affixed. Before this tribunal he was to answer for the manifold sins he had committed on his own, while De Carteret was confined with the gout. This favourable incident the lieutenant-bailly embraced. The court issued an order on the Saturday for the electing of a jurat the next day. The emissaries of the Lem-prieres were instantly dispatched through the island, to inform the voters of this election; and to add with confidence, that Mr. De Carteret had consented to be chosen. No contradiction was
given

given to this by De Carteret, for he knew nothing of it. He was therefore elected, under an opinion of its being his inclination; and by that prostitution of truth to the purposes of interest, the lieutenant-bailly obtained his desire of removing him from the place of greffier.

De Carteret felt this insidious act with proper resentment; and knowing that the design of Lempriere had been to supplant him, for the sake of filling this place with a person devoted to his will, he hastened to England; related the story to earl Granville, and obtained the office for his son, who now possesses it. And this, if not the sole, is at least the most signal instance of disappointments which hath attended these brothers.

The lieutenant-bailly being thus defeated in his intention, it was soon divulged that he had promised that place to another person. Madam de Roselle and George Bandinelle were co-heirs, and the fief hautbert of Roselle was divided among them, of which the latter had a third. Bandinelle being dead, the lieutenant-bailly entertained a great inclination to purchase the third of this fief from his son; and with a view to induce Mr. Bandinelle to sell it, he assured him, that the place of greffier should be given to him. Induced by this promise, Bandinelle sold him his division. When he was acquainted with Mr. De Carteret's being made a jurat, he went to the lieutenant-bailly, and reminded him of his promise. To which he was answered, the place was not for him; and this was the event of his being seduced into the sale, at a purchase much below its value. In this manner he invades the profitable posts of the officers of the court, in order to truck them in purchases for his own emolument, and adds insult to delusion.

Maxima

Maxim XII. To make acts for raising money on the people for public works ; obtain donations from others ; defer the building, place the money in the funds, and keep the interest.

The cohue being old, the roof decayed, and the repair of it to be made at the expence of the royal revenues, that sum would touch the profits of the governor ; and he probably might imagine that the farmer-general ought to contribute towards it. To avert this danger general Huske was applied to ; and he presented the island with two hundred pounds towards the repairing it. The walls, and other parts would have lasted some centuries : but as this donation offered the means of getting more money ; and of converting it into a job, the lieutenant-bailly and the attorney-general prevailed on the states to pass an act for pulling the whole fabric to the ground, and new building it.

The two hundred pounds of Huske, which would have supplied a payment for all the necessary repairs, was egregiously inadequate to the expence which was now required. The inhabitants agreed to raise, by voluntary contribution, the money which might be wanted. At the same time Lempriere, the attorney-general, went into the company of those who had just returned from successful cruises of privateering. Whilst their purses were full, their hearts open, and their spirits elate, he solicited their contributions, to facilitate the above purpose ; and he succeeded amazingly.

Having in this manner raised a considerable sum, the old cohue was pulled down, and the funds being then low, he purchased stock therewith, and left the building to remain untouched for twelve years.

During

During the time in which it was erecting, the workmen were kept a long while from receiving their wages, and this reduced them to some distress. They applied to the court to be paid; and after some delay they offered them less by a fifth part than their usual hire. The workmen remonstrated against this deduction; and refused to accept a diminution of their usual wages. The brothers prevailed on the court to consider this as an act of contumacy in these men. They were committed to prison; fined in the exact sums which were due to them for their wages; and obliged to pay their prison fees; and thus the money which was due for toil and industry, was taken from these honest men; and by fine transferred to the pockets of the Leinprieres, before whose names an epithet would be useless.

It is the peculiar artifice of these brothers to convert every possible incident to their private interest. The cohue being demolished, the court took the corn-market, a covered building to keep the grain secure in wet weather, and converted it into a court-house. By these means few farmers brought their wheat to market; and it became dearer. And as the viscount takes the prices of every market day in the year, that augmentation of the value furnished a ground on which to fix the price of the rent corn due to the receiver; and by these means the fraternity, as farmers of the revenue, were advantaged in that respect also.

The new court-house to this day remains unfinished; and it will probably long continue in that condition, so that no account may be asked in what manner the money hath been employed.

Maxim

Maxim XIII. To fine all men who shall presume to do those actions which the brothers are performing with impunity, in order to enrich themselves.

*In the year 1757, Clement Messervey, commander of a privateer, was served with a summons to appear before the court in eight days, to answer to the attorney-general, or his deputy, for having presumed to ship or engage people to serve in a privateer, without having previously acquainted the chief magistrate therewith; and for having, contrary to the orders of the court, exported provisions of the produce of the isle.

Messervey immediately waited on the lieutenant-bailly, and told him if he had been guilty of any fault, it was unknown to him; and desired the lieutenant bailly would convene the court, of which he would be at the expence, because he had formed a design of taking a small privateer of Granville in the night; and as the wind was fair, and the tide served at a proper time, he should be sorry to lose the occasion.

The lieutenant-bailly bade him to acquaint the jurats and other officers to attend the Tuesday following, in order to dispatch that business. The jurats came, but the chief magistrate disappointed them; and no court was held that day.

Upon that disappointment Messervey went to the deputy attorney-general, and shewed him his commission, but he would not pay the least regard to it. He then repaired to the commander in chief, and shewed him his commission: he read it, and said, he was surprised at his being stopped, since he had always behaved well, and performed his duty to him. But he was one of those commanders, who knew not the powers which he possessed; or he would

instantly have broken the chain, by which the lieutenant-bailly had confined Messervey and bound him with it.

From Tuesday to Saturday Messervey endeavoured to prevail on an advocate to plead his cause, but as it was one of those that should he be freed by the bench, the brothers would not receive the fine, that would follow from his being found guilty, they peremptorily refused him. They feared to offend their god by the neglect of their oaths, much less than the brothers by pleading against their profits; and he was left without a person to offer a single word in his defence.

Messervey appeared in court, presented his commission, and they refused to read it. He offered to speak in justification of himself, the indisputable right of every Jerseyman; he was commanded to be silent.

In this manner without a witness adduced, without permission to offer a single syllable in his defence, an act was passed by the court in two several sentences; one for engaging seamen to combat the enemies of his majesty; the other, for exporting provisions, by which he was fined, in both, 500 livres, money of order; which amounts to more than thirty pounds. And in order to entail an infamy on the man, part of it was sentenced to repair the cohue, and the fortifications, which to a Jerseyman is scarce less infamous and less afflictive than being obliged, in chains, to labour at those works.

The insolence of this conduct is not a little singular. By his majesty's commission, Messervey had a right to engage seamen to serve in his privateer; and with that commission, commanding all officers both civil and military to be aiding and assisting him, the brothers were obliged to comply

ply. But it is their common practice to treat the orders of their sovereign with contempt, of which there will be such instances given as are unprecedented in the conduct of other men. In the next place, neither the lieutenant-bailly, nor the court had the least right to interrupt him in engaging his crew, no application being to be made, to them, on such occasions. By the laws of Henry the seventh, every man has a right to leave the island on barely mentioning it to the commander in chief. Lastly the provision, which it was said he was exporting, consisted of fourscore pounds of fresh beef, to make soupe, if any of his men should be wounded; which it is as impossible to include within the idea of exporting provisions, as to put the *iliad* in a nut-shell; and lastly, the lieutenant-bailly and the attorney-general were then concerned in a privateer, and for every voyage an ox was killed for the service and supply of the crew, as it appears by the certificates of those who were concerned in the killing them. Such was the effrontery of those brothers, in prosecuting, condemning, and fining a man for those very actions, of which they themselves were at that moment equally guilty.

Maxim XIV. To seize every opportunity of prosecuting persons for the most nugatory actions, whereby they may be fined, and the brothers may be advantaged.

*Nicholas Maller, on the 29th of May, 1762, was desired by the deputy viscount to wait on the lieutenant-bailly at his chamber. He obeyed the message, and there found the chief magistrate, and jurats sufficient to make a court, the attorney-general and his deputy, but no advocate. He was then accused by John Le Gros. The attorney-general ordered Le Gros to read his charge

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against

against Mallet. It consisted of an accusation, of having uttered scandalous words against the authority of the governor, in an altercation which had happened between him and his accuser, and whom he was charged with having insulted. Mallet denied the charge, and demanded to vindicate himself by the evidence of gentlemen, then present, who had been summoned by him, as witnesses of their difference. The demand was several times repeated, and not complied with. Not a single witness was suffered to speak a syllable; and he was ordered to jail. Mallet was master of a ship, and to sail for Martinico the next day. He therefore desired that he might be allowed to give bail. Lempriere, the attorney-general, then gave his opinion, that in an affair of such a nature, no bail could be allowed him. Embarrassed by this commitment, and knowing the necessity of his sailing, a jurat officiously passed behind, and advised him to submit to the mercy of the court; as by that concession he would preserve his liberty, and proceed on his voyage. Unsuspecting of any sinister design, he followed his advice. The attorney-general then said, we must now go to the court-house.

Being come to that place, he was again asked if he submitted to the mercy of the court: as the same jurat had told him it would be attended with no other consequence, he repeated his submission. On this the attorney-general demanded that he should be fined in two hundred livres, money of order, more than twelve pounds, with the ignominy of applying some part to the building of the cohue; and to give security for his good behaviour. And to this conclusion the bench of jurats immediately consented.

The

The offence which Mallet had committed was this. A flag of truce was arrived from France, on board of which there were several letters for the merchants, relative to commercial accounts from their correspondents, with whom they dealt in times of peace. Le Gros was at that time appointed master pilot, or to some such office, who boarded every ship that came into the port, where finding these letters, he seized them for the governor's inspection. Among them there was one directed to a jurat. This he put into a separate pocket. Mallet was present, and observed to him that if he gave any of these letters to the lieutenant-governor, he ought to give all. Le Gros asked him by what right he interposed in that matter; and added, that he intended to shew them all. A few words passed between them, and the affair at that time proceeded no farther. Le Gros having waited on the commander in chief with the letters, in his return met with Mallet. He attacked him with rude expressions, and asked what he meant by charging him with an intention to conceal the jurat's letter, and gave him the lye. Mallet insulted in that egregious manner, challenged him for daring to affront him, and then insisted that he had intended to have concealed the jurat's letter.

Le Gros declined the challenge, and went immediately to the commander in chief. He complained of the insult with which he had been treated, and asserted that unless he was properly supported, that his orders could not be carried into execution. The story was aggravated with many inflammatory circumstances. The commander believed his misrepresentation, and applied to the lieutenant-bailly. The consequence of which was the fine above related.

This was the enormous crime, which was not of a nature to be bailed, and for which offence he was to be sent to prison. But the brothers knew that the necessity of his sailing on the next day was urgent; and that confinement must deprive him of his employment. They were conscious he must submit to their mercy; and to induce him to that shameful purpose, a jurat had bawded to the iniquities of the brothers. Such are the methods by which justice hath been administered in Jersey.

Maxim XV. To disregard the previous determinations in the same cause; to revive claims, which, through want of evidence had long lain dormant, and then to determine them without evidence, contrary to right.

Philip Jean having purchased an estate, Michael Lempriere, father of the present lieutenant-bailly, pretended to have a right of four cabots of wheat rent from these lands; as he had done respecting the compart of Le Riche. Jean refusing to comply with the demand*, was summoned to appear in court on the 30th of May 1743, and to pay this wheat rent and all arrears. Jean appeared in court. Philip Le Geyt was then lieutenant-bailly. The deeds were produced by the defendant. No mention was made therein of any wheat rent due to Lempriere. The plaintiff brought no evidence in support of his claim. Such being the circumstances of the case†, the court determined the cause in favour of Jean, still reserving, that if Michael Lempriere should thereafter be enabled to adduce any valid testimony of his right, that the wheat rent should be paid to him.

In

* Copy of the summons.

† Act of the court.

In this situation the affair remained twenty years, till the year 1763. Le Geyt had been long dead. Michael, the father, was dead, and Charles Lempriere, the son, had been more than ten years lieutenant-bailly. And altho' he was invested with those powers over the consciences of the jurats, of which such notorious proofs have been already given, he had never revived the claim. *Jean was now summoned to appear in court to answer the same demand to Charles Lempriere, chief magistrate, which he had done to his father. The writings of the defendant were as valid evidences at this time, as before. The lieutenant-bailly had no other proof than his father, that is, he had none at all. The affair of Le Riche and the legislative act of the manor court of Little Roselle, were the precedents in this case, for the royal court of Jersey; and Jean was ordered to pay the four cabots of wheat rent, unless he could bring proof of another impossibility, that he also had never paid that rent.

With what indignation must every honest man be stung in beholding a chief magistrate, sworn to protect the rights of two and twenty thousand people, thus to divest himself of every virtuous sensation; and to remain on the bench, contrary to the laws of his country; at once, both judge and party: who dares to invert the order of judicial proceedings, and to demand an impossible testimony. When it is considered also, that in all such cases he is supported by a set of coadjutors, sworn in like manner, who prostitute their consciences to indulge his avarice, for the contemptible object of twelve shillings, annual value, at what rate can it be

* Copy of the summons.

imagined that these magistrates do estimate the rights of their fellow subjects, and their own salvation?

Maxim XVI. To usurp the jurisdicitive authority of the other islands, in order to inflict a pecuniary fine in Jersey, for transactions which have passed in Guernsey.

In the year 1759, a French gentleman was taken prisoner at sea, and carried to America. He obtained a passport from the governor of that province in which he landed, and returned to England, where leave was granted him to revisit his native country. He preferred the passage from Southampton to Jersey, as being nearer to the place in which he was confined, and to that to which he was going. Arriving in that island he waited on the lieutenant governor, who gave him a passport also, to depart for France; and in consequence of this permission, he agreed with John Taylor, master of a small bark, to carry him to St. Malo's.

This application of the prisoner to the lieutenant-governor, incited the resentment of the lieutenant-bailly, who had no claim to being consulted, or applied to on such occasions; and the passport was, by his command, taken from Taylor. This was an insult which ought not to have been pardoned by the commander in chief; but he was one of those who was uninstructed in the nature and extent of his office, over whom the brothers hitherto unpunished, have usurped with such flagrant indignity to these men, and insolence to their sovereigns, by whom they were commissioned.

The prisoner being thus inhumanly debarred from passing into his native land, from that island, set sail for Guernsey; hoping to find a more hospitable reception, from the magistracy

stracy of that place. Soon after this event, Taylor, from whom the passport had been taken, and whose employment consisted in voyages from one island to the other, arrived also in Guernsey.

The tale of Lempriere's arrogance, and inhumanity, had been related by the French prisoner, who knew not the real circumstances of the affair, as the refusal of Taylor to comply with his agreement. The latter, on his landing, was treated with much reproach, for so undeserving an act. Taylor astonished at this charge, declared the reality of the transaction; and instantly all their resentment was transferred to the lieutenant-bailly, with treble indignation. Taylor then declared he was ready to comply with his former agreement, and to carry the gentleman to France. The commanding officer granted him a passport. He set sail, and landed him at St. Malo's.

Taylor being returned to Jersey, the royal court pronounced the following sentence. * John Taylor, and Thomas Le Moigne, seized of the fact, and brought before the court, in virtue of an act, made the 8th of the present month, for having rendered themselves culpable by going to France, without a passport, notwithstanding the declaration of war; which fact the said Taylor has avowed, and declared it was he who engaged the said Le Moigne to go with him. The attorney-general upon that being heard in his conclusions, the said Taylor is condemned to the fine of fifty pounds sterling, and the said Le Moigne discharged, because he went only as a common sailor, at the solicitation of the said Taylor.

Signed *Philip De Carteret, greffier.*

Such

* Act of the court, 10th of September, 1759.

Such was the conjunctive tyranny and falshood of these brothers. Knowing that Taylor was returned, and that there was no law by which he could be called in question for what he had done, the court two days before he was brought before them, usurped the legislative power of the states, or in fact, assumed an authority which the states do not possess, and made an act on the 8th of September, to condemn him on the 10th. The action for which they found him guilty, was not done within those limits where they have the least judicial right; had he sailed from Southampton, or any port of England, they might with equal justice have treated him in that manner; and the act of the court, because Taylor had no passport from Jersey, infamously declares, that he confessed he had no passport at all. This was proved to be a most egregious falshood by that passport which he had received from the governor of Guernsey, which was equally effective and lawful with all the authorities in the island of Jersey.

From this sentence there lay no appeal, because the attorney-general had accused him of a criminal transgression. In this manner this man was compelled to pay fifty pounds, to be shared amongst the fraternity, for having performed what religion and humanity command; and the laws of the island permit him to accomplish with impunity. It is impracticable to find reflexions equal to the atrociousness of these Lemprieres for every separate transaction of their iniquities; I consign them therefore to the abhorrence and execration of the people of England, as they have long been to those of their native land.

Maxim XVII. To assume the name of the commander in chief, and to make him the prosecutor

secutor without his knowledge, in order to, aggravate the offence, and encrease the fine.

In the year 1756, Edward Falle, who belonged to the cannon which are placed on the batteries round the island, was ordered by colonel Burgess, commander in chief, to air the stores which were destined to that service. This man, with two or three others, being engaged in their duty, were visited, whilst at work, by the commander in chief, the lieutenant-bailly, and the attorney-general, who accompanied him to inspect these stores. The colonel having examined into their condition, ordered them to be replaced, which was accordingly done. The two brothers, in French, a language that colonel Burgess did not understand, commanded the workmen to carry away some rubbish, which had remained there from the time the battery was built; a mandate which they had no authority to give. In this order Burgess could not unite, for he did not comprehend the conversation, nor was it explained to him. The men modestly expostulated with the lieutenant-bailly, that the removal of such rubbish formed no part of their business; and as they had laboured all day, it was necessary for them to refresh themselves with some sustenance.

On the Saturday following, the court ordered the proper officer, "to seize and imprison Falle for having refused to do his duty at the bulworks, and for having disobeyed the orders of the commander in chief, and the lieutenant-bailly, in a manner tending to mutiny." And after having heard the conclusions of the attorney-general, they condemned him for contumacy, to a fine of more than twelve pounds sterling.

The lieutenant-bailly had no authority to order Falle to any work, and it was an affair with which
the

the civil power hath no concern. They converted Burgeſs to an informer, and uſed his name in the proſecution, without having acquainted him with their intention: and he was ignorant of the whole tranſaction, till after the ſentence was pronounced. The attorney-general, who carried on the proſecution, and the lieutenant-bailly, who ſat in judgment, were the ſole witneſſes; and Falle was ſelected from the other workmen, becauſe he alone was capable of paying a fine. And for daring to obey the calls of hunger, he was puniſhed as having committed an act of mutiny.

Colonel Burgeſs diſdained to be any longer made the inſtrument of theſe impudent and oppreſſive brothers, who had thus flagitiouſly preſumed on his not underſtanding the French language: and this he might have done, and not have underſtood that jargon which they pronounced. He was ſo perfectly convinced alſo of their iniquitous perpetrations, that he deſired to be removed to ſome other place, or to be preferred in the army. His requeſt was complied with, and he left the iſland with joy, reſpecting his recall; with compaſſion for the ſufferings of the people; and with deteſtation of thoſe confederate magiſtrates, as colonel Dean had done before him.

To him colonel Forreſter ſucceeded; and for an information of thoſe ſentiments, with which he quitted that little ſpot, which by theſe Lem-prieres is converted to a priſon of ſlaves, I refer my readers to his affidavit in the appendix.

Maxim XVIII. To change the accusation of crimes from a more to a leſs culpable nature, in order to obtain a large fine for an offence, which would otherwiſe be puniſhed only with corporal infliction.

There

There had been for some time a number of small thefts committed in the island. At length a person discovered in the possession of John De Heaume, an ax, of which he had been robbed. He that had it would give no account by what means it came into his hands. The other went to the centenier of St. Helier's, and informed him of what he had seen. A search was made in the house, and a considerable quantity of the things which had been stolen, were found in his custody. Before the court he confessed he had bought them of a soldier. He must, therefore, be assured they were stolen; not only because the soldiers was not otherwise able to get them; but because those who had lost their effects, had spread it through the town. He was tried by the court, and sentenced to a fine of one hundred pounds.*

In this manner the crime was made less, as in the former the accusations were made greater, in order to inflict a pecuniary mulct in the place of corporal punishment. The former was the interest of the brothers. The latter would have been the unprofitable letter of the law. But the will of those brothers, is the time-piece by which, on every court day, the jurats weekly set their consciences, as men do their watches, that they may mechanically go together with those of the illustrious brotherhood.

Maxim XIX. To convert the representatives of the people into spies and informers against their constituents, that no inhabitant may escape unfined for the most insignificant action.

In the year 1762, Gideon Daltain, John Perréin, Joshua Le Cornu, Nicholas Le Gallais, Elias Vandel, Rawlin Luce, and Philip Blampied, were engaged in the insular duty of repairing the high

* Act of the court.

high roads. They had begun their work at an early hour, and had been three times with their carts and cattle to fetch, from the sea shore, those materials which were necessary for the reparation of the highways. Three journies had employed them till past five o'clock in the afternoon. During this time they had neither refreshed themselves, nor fed their cattle; and as they had exceeded the usual number of journies, and the day was so far spent, they intended to leave work and return to their houses. The constable who was present, ordered them to fetch another load: they, on the contrary, remonstrated that their cattle were unable to continue their work. The constable menaced them with an information of this refusal to the attorney-general. The men having done more than their duty, paid no regard to this threat, and retired to their homes, imagining that no man could be guilty of an information so inequitable and unprovoked.

This constable was one of the scandalous sub-tyrants of the brothers, who had been elected at their commands, to represent his country by betraying his trust. He was conscious that such an information would be doubly pleasing to the attorney-general, both on the account of the fines, and the means of exercising his vengeance on some of these persons. They had murmured against his oppressions, because he insisted on the service of several days, with carts and horses, when he should appoint them, as a gratuity for selling them their tythes, at the full value; and to establish a precedent for such service in future; with which they had refused to comply.

The next day all of these men, Mr. Luce excepted, whose carts had been employed in the preceding labour, were present in the market.

They

They were soon acquainted that this malevolent constable had informed the attorney-general of the preceding circumstances of their refusal. They then applied to the advocates to plead for them. Not a man would dare to undertake their cause; and a Jew would have violated the *sanctum sanctorum*, sooner than these miscreants would have supported the cause of justice against the interests of that insolent oppressor.

* They appeared in court. The attorney-general drew his conclusions for a severe fine of forty livres, money of order; and the court condemned them to the payment, without being permitted a defence; and Mr. Luce, who was absent, was sentenced to a like mulct, although he had not received even a verbal summons, and knew nothing of the affair till the evening after the sentence. Mr. Luce was very far advanced in years, and had sent his grandson, who was a lad, with his cart; and the latter had omitted to mention to his grandfather any thing of the altercation between the constable and the other persons. The old gentleman, without even a verbal message from the court, was not only fined equally with the others: but he was sentenced to the *amende qualifiée*, for contumacy. This is the punishment which is attended with those horrors in the mind of every Jerseyman, which I have endeavoured to relate. The remaining days of this venerable old man were spent in lamentations for the infamy which he had innocently brought on himself and posterity. This additional curse was added, as a vindictive memento of his having dared to refuse his service to Philip Lempriere, esq; when he proposed to purchase his tythes; and

* Act of the court, 12th of June, 1762.

and notwithstanding this atrocious indignity, inflicted on the unoffending head of age, and sending his grey hairs with sorrow to the grave, by the attorney-general and the court, the immemorial customs of Jersey expressly declare, that for a day's omission in sending their carts, the fine shall be but forty sous. So that the fine was twenty times more than the law could justify. And since that island appeared above the waters of the flood, a punishment so ignominious had never been denounced for an offence so trifling. If a non-attendance on the court, without a written, or even verbal summons, and totally unknowing of the charge, can possibly be deemed a delinquency. And what adds to the effrontery of this prosecution, these men and carts had been applied to making a turnpike road from Lempriere's to the church, and thereby neglecting that parochial duty which is destined to all the highways.

Maxim XX. By acts of cruelty to compel the captives to fly from starving; to excite the compassion of the humane to afford them assistance in their escape; and then to fine the latter without mercy.

Whilst the French prisoners were treated in the inhuman manner described by colonel Forrester in his affidavit; every heart susceptible of sensibility was afflicted for their distress: yet they dared not to relieve them, through dread of the fraternal resentment. A few persons escaped from their miserable captivity; *and John Valpy was taken into custody by order of the court, and charged by the attorney-general with having promoted the means of their

* Act of the court, 8th of November, 1759.

their escape. He was brought before that respectable bench, and not an evidence was produced to witness the least circumstance of the fact of which he was accused. Valpy being afraid that a long imprisonment on bread and water might at length compel him to declare what he knew, and they were resolved to extort, answered to their questions that he had been assisting to the prisoners escape. The attorney-general, on this confession, drew his conclusions, and demanded a fine of fifty pounds. The lieutenant-bailly instantly drew the strings successively, which pass from the consciences of the jurats on the bench to his hand in the chair. The puppets nodded assent, and Valpy was condemned in that fine.

I am no advocate for illegal acts, and such Valpy had committed. But when this prosecution was not carried on with the knowledge of the governor, who ought to have been informed of it: when the assistance was given not only to emancipate these men from prison, but from the danger of being famished; and the whole prosecution so manifestly tends to the pecuniary advantage of the brothers, there can be no man of common understanding, who will not be persuaded, that in them it proceeded from the desire of gain, and not of justice; since all punishments, for all kinds of offences, terminate in no other issue.

Maxim XXI. To entice men, by indefinite answers, who come to trade with the island, and apply to the magistrates for their instruction, to the commission of such acts as they are previously determined by their jurisdictional tyranny to convert to their benefit.

I shall now give an instance of the complaisance which the court observes for the lieutenant-bailly's interest, when he is absent from the island. When

the chief magistrate leaves Jersey for any time there is chosen a judge delegate, to officiate in his place; and on this occasion it was Le Hardie, the jurat.

*After the last peace, when trade was again opened between France and Jersey, a Jersey-man brought some hogs to the island. Before he landed his cargo, he applied to some of the jurats, to know in what manner he should conduct himself, and whether there were any prohibition against his landing his little cargo, or duty to be paid. They referred him to the judge delegate, who gave him an evasive answer, rather tending to a permission. By him, as uncertain in the affair, he was sent to the attorney-general. He, in like manner, gave him an answer rather on the side of permission. Induced by these means to think there existed no law to hinder him from bringing his cargo on shore; and not suspecting that magistrates, who he thought must know the laws, would insidiously ensnare him to the commission of an illegal act, he landed his hogs and sold them. The court then meeting, they made an act that this was an illicit trade. They fined the man to the value of all his sale, and ordered the boat to be seized: which, together with the anchors, and all that belonged to it, were by order of the court, to be confiscated to the use of the king. This was, in fact, to that of the brothers, who were farmers of the revenue. Colonel Campbel was then commander in chief, who knew and discharged his duty. To him the man applied, and the story being heard, he restored him his money, and defeated the treachery

treachery of these fallacious magistrates. The greffier remarked, that the act which had been made for this purpose, did not express the anchors and other things; and therefore that they could not lawfully seize those parts which were distinct from the boat. On this the injured dealer brought an action in their own court; when, conscious that they must legally be cast by the order they had made, instead of determining by that law, they made another explanatory of the former, which was that by the boat alone they meant every thing which belonged to it.

In this instance there were two laws, *ex post facto*, the first to seize the boat, and fine the man. The second, to extricate themselves by a new law from that embarrassment, into which they were fallen by that which had been made a few days before; and instead of following what that expressed, to determine by what they now pretended to mean, and had not expressed. Such was the righteous procedure of Le Hardie, the most proper delegate of Charles Lempriere, esq;

As villains who dwell on the sea-coast, and give to false lights the motion which resembles those on board a ship at sea, in order to seduce those mariners who may be sailing near, to believe they are following another vessel, and thus to be shipwrecked for the sake of plunder; so did these magistrates behave. They deluded this man to bring his merchandise on shore, to seize his little all, and to undo him. For mercy is a stranger to their bosoms, and their ruling principle is ruin to all others, for the sake of enriching the Lemprieres.

Maxim XXII. To fine the son for the sake of extorting money from the father; to convert in-offensive to criminal acts, and to permit neither

indigence, nor age, to escape their rapaciousness.

By the laws of Jersey misdemeanor in the militia is to be punished, by confinement, at the order of the governor; but such inflictions being of no benefit to the brothers, the slightest offences are treated with pecuniary fines.

*In the year 1761, a boy, who performed the office of a drummer in the militia, being scolded by the officer, absented himself from duty, and was prosecuted. James Le Riche also, a sergeant in the militia, on a pretended fault, was prosecuted on the same day, and both found guilty, on the attorney-general's conclusions; each in one hundred livres, money of order, which amounts to more than six pounds.

A poor man who saw a cask which had been thrown on shore on the coast, spiled it in order to taste the liquor, and this was done in the presence of many persons. He never attempted, nor was he charged with attempting to carry it away. The common people of the island are convinced how gratefully informations are received by these brothers, and dreading to conceal the least action which is within the possibility of being an offence, hasten on all occasions to the attorney-general, and accuse those by whom they fear to be accused; so that the island is replete with dread, suspicion and informations.

Philip Lempriere was soon acquainted with this act of the poor man. He was seized by the constable, and brought before the court. He confessed that he had tasted what the cask contained, and that was the whole which he had done. The attorney-general drew

* Act of the court, 18th of July, 1761.

drew his conclusions on this confession, and he was fined fifty livres, money of order.

In these three cases, no advocate could be prevailed on to undertake a cause. They were condemned without witnesses. The commander in chief ought to have been consulted on the militia men, before the prosecution was begun. But he was either too ignorant to know his duty, or too supine to carry it into execution. The boy was not possessed of three liards. In the usual way of that country employment, where those who labour are fed by these who hire them, he would have been two years in earning that fine. His father possessed not twice that sum, and on the paternal sensations of him they depended for the payment of it. Their bosoms are unconscious of the feelings of father, friend, or mercy, when either of them comes in competition with their pecuniary lust.

They succeeded in their intent, and deprived the old man of half he was worth, to discharge that fine, for an offence which, though deservedly to be punished, would otherwise have been compensated by a week's imprisonment.

Le Riche, the sarjeant, was equally unable to discharge the fine, by less than a year's labour in the preceding manner. Without these discharges of the fines, they must have remained in prison, at the mercy of the brothers, as examples of non-payment.

Maxim XXIII. If it should happen that by mis-judgment the witness should be taken for the accused, and the innocent be condemned for the guilty, never to acknowledge the error by rectifying the injustice.

In the late war a private soldier of the militia had frequently neglected his duty, and had been
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amerced,

amerced according to the rules of that soldiery, in very small fines. He still refused to attend, and became extremely abusive to the sarjeant, who ordered him to his post. In this situation the sarjeant waited on the captain of the company, and acquainted him with the affair. The captain, knowing the refractory spirit of the man, applied to the court, and took with him the sarjeant, and a witness, whose name was Grandchamp.

On entering the court, the captain spoke to the fiddling taylor, who was then the deputy attorney-general, and told him that a certain person of the militia had behaved irregularly, and desired he might be corrected by the court. The taylor turning back his face, and seeing Grandchamp, the witness, concluded that he was the culprit, and immediately drew his conclusions that he should be fined* in forty livres. The captain told him that he was mistaken, that Grandchamp was not the offender, but the witness which he had brought, and that he was not worth forty sous in the world. The taylor asked if he thought he would tarry to hear witnesses on such trifling occasions. Whilst this conversation was passing, the lieutenant-bailly, fearing he might be disappointed of the fine, demanded the consent of the judges. They all assented, till it came to Mr. Noirmont, who hearing the word forty sous spoken by the captain, as more than Grandchamp was worth, arose and asked the court if they would fine a man forty livres; who was not worth a fortieth part of that money, and if the man was guilty of the accusation, he should be sent to prison. The lieutenant-bailly

* A^d of the court.

bailly then replied, that to confine him would be injuring the king in his rights. Noirmont answered, that his majesty had no desire to cloath himself by stripping his subjects. Such was the tender vigilance of the chief magistrate for preserving the revenues of his sovereign, which were to be shared by himself and the fraternity.

At length it was known that this man was not the offender, but the witness to prove the offence. The infallible magistrate was too proud to leave the innocent unpunished, because he had mistaken him for the guilty. The fine was diminished to twenty livres, and the money was given by some gentlemen, in pity to Grandchamp. By this inimitable judgment, the witness was punished, and the offender was never called to justice.

It would be in vain to search after precedents for such judgments in any other court than that of Jersey. And as among the number which I have there is no such to be found; and as I am inclined to apologize for the chief magistrate of the royal court of Jersey, I shall take the liberty to relate a story in point.

A waggon had passed over both the legs of a man, who had fallen in the road, and two surgeons were sent for to attend him. They examined the fractures, and concluded that one of his legs must be cut off, and that the other might be saved.

They then retired to prepare the dressings, and returning to the patient, by mistake they dressed the leg which was deemed incurable, and amputated the other, which they intended to preserve. The business being done, they took the amputated member, and dissected it; and then it was they first found that they had mistaken one limb for the other. On this discovery they looked

amazed, and one asked the other what was to be done? Why, says the answerer, if we cut off the other, we shall expose our blunder, because we have already said that one is to be saved, and so let us even try to save this leg. They agreed in this sentiment: the patient recovered, and the worst leg escaped, on the amputation of the best.

Maxim XXIV. To shew no mercy to those whom the letter of the law condemns to forfeitures, by involuntary circumstances.

If at any time, by accident, a person falls in the high road, and a cart passes over and kills him, and thereby in law there is a *deodand* which falls to the king, the lieutenant-bailly does not, as in England, give the wheel which was the immediate cause of the death, but the horses, cart, and what it carries, are all, with great attention to his majesty's rights, given to himself and the farming attorney-general. They divide it among the fraternity, and ruin the industrious husbandman.

Cases of these kinds are innumerable; and were I to publish all those which have been transacted by these brothers, and have been offered to me, without hyperbole they would fill several volumes, and all drawn from the records of the illustrious acts of the royal court of Jersey. But to afford some adequate rule by which the enormity of their oppressions may be known, from the rolls of their court it indisputably appears that more than five hundred pounds were in one year paid, as fines, for such offences; a sum, if we compare the number of inhabitants, and riches of England, with those of that sea-girt spot, that is, equal at least to fines of five hundred thousand pounds in this kingdom.

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Besides the converting of punishment, for all offences, from corporal to pecuniary, these self-loving brothers have altered the manner also of distributing the fines in the sentences. Before their jurisdictional power began, such mulcts were divided between the king and the poor, and in atrocious cases, part of them destined to the reparation of the fortifications or the cohue. But since the latter was begun to be pulled down, the poor have very seldom, if ever, shared in those pecuniary penalties; they have been given to the king and the cohue, and by that means infamy hath been added to such fines, which formerly, when given to the king and the poor, were considered only as the payment of so much money. And the degrees of the sums have vastly exceeded the mulcts of preceding times. At present the attorney-general receives them both; the former part for himself, as farmer of the revenues; the latter, as receiver for the court-house: and in what manner they will be applied, we shall know on that day, in which all accounts are settled.

Every instance of these penal laws, demonstrates the necessity of a solicitor-general, who, if an honest and resolute man, would at least have demonstrated the illegality and extortion which they include; and no person accused could have wanted an advocate to plead his cause. And although by the force of reason and argument, he could hardly have defeated the self-interested resolutions of these brothers; yet he would nevertheless have exposed their iniquities to the world; and have justified and sustained the detestation of the people for such horrible extortions. And since that must have proved the issue of appointing such an officer, if proper for that post, it hath been left unfilled for twenty years. The brothers were determined not
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to risque the loss of one fine by an exposure of the ignorance and iniquity of their proceedings.

*The scandalous manner in which such persons have been condemned to pecuniary penalties, is not more egregious than that in which the sums of such fines are on many occasions ascertained. It frequently happens when men are found guilty for the most trifling acts, which the brothers denominate criminal offences, that the attorney-general in his conclusions, omits to nominate the sums he demands; and keeps that ultimate decision hanging with horror over the minds of those, who are thus circumstanced, till a considerable number be accumulated in the magazine of rapaciousness. A proper time being come, as no fines can be imposed without the jurats and the court, these worthy magistrates are invited to a collation of a plumb cake, and bumpers of wine, and this receptacle of ebriety is termed a court of justice. On these festivals the obedient bench most faithfully attend, not to share the booty which they have plundered, but to fix the rates of those fines, with a complaisance equal to that with which those victims of their judicial power, had been previously condemned. Were they to participate in the product, an excessive love of money, in this venal age, might offer some little, though a scandalous apology, for their proceedings. But these judges are above the powers of pecuniary influence; and in excuse for their behaviour, by the influence of an inverted understanding, as an apology, they offer a condemnation of their conduct. For when they are charged with the notoriety of their extortions, they reply, that they

* Jersey petit. Art. 18.

they share not in the money, and wherefore should they do injustice. As they have actually done unjustly, the fact is decided, though the cause be unknown, and that circumstance proves their consciences to be so rotten, that they need no contagion to corrupt them; and that their servility to these brothers is so egregiously prompt, that it wants no incentive to iniquity. In this manner they will dare to fine men for crimes at whose trials they were not present, and risque their souls, as they have lost their reputation, by voting and subscribing to the monstrous oppressions of those two kings of Brentford, who are eternally smelling at the same nose-gay of self-interest.

When these jurats are warm with wine, and their hearts more open to the access of mischief, the attorney-general produces his kalendar of convicts, and naming whom he pleases, requires the eldest jurat who is present, to pronounce the fine which shall be imposed. Intoxication would drown all scruples of conscience, but those are long since sunk in the sea of shamelessness, and even their ghosts revisit not these magistrates. In return for the treat, he obligingly names the fine. The jurats are then asked in succession to pronounce their decree on others, who have been condemned. The next judge, emulous to exceed his predecessor in prostitution and zeal for the interest of the brothers, is still less merciful in the sum he mentions; and thus, with the encreasing efficacy of these motives, the convicted are sentenced to such fines as they would not dare to fix in open court; for the presence of a multitude hath an awful operation on the minds of men, who are knowingly in the exercise of wrongfulness. In this manner plumb-cake, claret, pecuniary penalty, justice and intoxication, are blended with admirable skill, and
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form a most proper allegorical subject for a picture to adorn the cohue of Jersey.

The fines of some offenders, indeed, the brothers suspend for many years: whilst these persons, knowing they are found guilty, and ignorant of their penalty, live in horror of the oppressive spirit of these insatiate farmers; and life consists in dragging the heavy chain of suspense, which is only less ponderous than despair. But that method is pursued only where torture is to be added to injustice; and vengeance prevails to suspend the fine, by way of aggravating the infliction.

Such are the methods by which those brave, but ill-fated islanders are treated, who live within the limits of their jurisdiction; and in all instances wherein the interest of this fraternal compact is concerned. In other cases, their indulgence to their friends, is equally conspicuous: and as those jurats, who minister to their despotism, may not be totally devoid of encouragement and advantage, the dispensation of justice is perverted to the means of rewarding them.

Maxim XXV. To disregard the dictates of religion, law, equity, and conscience, with design to favour those who have renounced the same motives, to promote their interest.

Daniel Messervey, a faithful member of the bench, whose oath to administer equal justice, seems to be that of allegiance to the Lemprieres, in consequence of his marriage was indebted to Mrs. Manville. He was requested by her to settle the account, and to pay her the money. Defended by the triple walls of brass, which surround the consciences of the lieutenant-bailly and the court; and confiding in the inability of the woman to reduce a fortress so impregnable, he refused to render any account, or to pay the

the money. In order to subject him to the duties of an honest man, she was obliged to prosecute her suit in five several actions.

Never was the right of a human being so incontestibly proved, as on this occasion. But what influence hath right on minds which have lost the sensations of an honest character? The lieutenant-bailly and jurats determined to prefer the general cause of judicial brotherhood to every sentiment of equity, and the evidence of demonstration. Accordingly these causes were given in favour of Messervey. They knew the distress to which Mrs. Manville must be reduced by these decisions; and imagined the impotence of her situation would effectually rescind the power of applying, by appeal, to king and council. In this opinion they were mistaken: their injustice, and her calamities, incited the compassion of those, who feel with resentment the wrongs which are done by tyrants; and with compassion the sufferings of those, on whom they are inflicted. She came to England, after all her substance had been consumed in seeking and being denied justice in Jersey, and in *forma pauperis*. Her causes were brought before the council. They were heard with astonishment, and reversed with indignation against a jurisdiction so flagitious. And on a late occasion, of a still more atrocious nature, these reversals were remembered with marks of abhorrence for the judgments of the royal court of Jersey.

Maxim XXVI. To transfer the services which are due to his majesty from their associates in mischief to the poor parishioners, who will be denied redress in the court of Jersey, and are incapable of appealing to the throne.

Joshua

Joshua Pison, a jurat, and Thomas his son, an advocate, and nephew to the brothers, by the tenures of their estates are obliged to perform certain services to his majesty. These deserving members of the court, knowing their jurisdictional omnipotence, resolved to free themselves from these obligations, and to subject the poor tenants, who hold their little lands on the same terms, to perform those services to which they were bound. Accordingly an act was made in the court, by which these Pisons were discharged from that service; and it was enjoined, that the others, who had held the like tenure, should perform it for them. These are the men, who are sworn to do justice, to sustain the honour and glory of God, and of his pure and sacred word, and to defend the cause of the poor and helpless.

Maxim XXVII. By falshood, misrepresentation, and affected patriotism, to attempt the seducing of the king and council; to assist in rescinding the remnant of freedom, which yet exists in Jersey; and to minister to their views, in accomplishing the absolute enslavement of the islanders, by a single order of council.

In the year 1765, a report was made by the commissioners of the customs, tending to establish custom-house officers in Jersey, which to that time had constantly been free from such establishment. The states being acquainted with this intention, requested the lieutenant-bailly to represent to lord Albemarle, their governor, that on former occasions, when similar designs were proposed, they had at all times been relinquished; because by their charters, so frequently repeated, they have the right to a free and uninterrupted trade. The

* Act of the court, 18th of June, 1768.

The lieutenant-bailly accepted the care of transacting that business; and with all the tenderness of a true friend to his country, represented the inutility of such an establishment; and like a most loyal subject, and conscientious magistrate, sworn to defend the rights of his sovereign, he delineated also, in a variety of instances, the injuries which the scheme proposed, would bring to the revenues of the king. All which were really true. And that nothing might be deficient to complete the laudable character which springs from the propitious union of patriotism and loyalty, he drew up a plan of his own, which was approved by the states; and this diligent and faithful magistrate was requested to transmit it to lord Albemarle; humbly desiring him to lay it before the king and council, in the name of the three estates of Jersey, that it might be graciously passed into an order for being carried into execution in the isle of Jersey.

This scheme of the lieutenant-bailly was drawn and passed into an act, without the knowledge of the merchants, or consultation with their constituents. The constables are nevertheless sworn to pass no public act without their knowledge and consent. To this they paid no regard, because it was the will of their magistrate. They are sworn also to keep the transactions of the states in absolute secrecy, till they have mutual permission to divulge them: and this part was inviolably preserved, because the vindictive thunderbolt of jurisdictional vengeance would otherwise be hurled to their perdition.

The scheme was this which follows; "That in order to answer the intended purposes of the said commissioners, and to prevent the imaginary evils

evils thereby stated, in regard to the island of Jersey, it is submitted, whether instead of establishing officers of the customs in that island, at a great and necessary charge, the following regulations, confirmed by an order in council, may not be sufficient, and would be more agreeable to the constitutions of the island, viz. that the drawback be restored upon teas, exported from England to that island. That no teas, and other India goods, nor brandy, and other spirituous liquors, be brought to Jersey in ships or vessels, of less burden than 50 tons, and in casks of no less size than 60 gallons, upon pain of forfeiture and fine, half to the king, and half to the informer. That no brandy be likewise exported out of the said island in ships or vessels of less burden than before mentioned, and in casks of less size, except for the necessary use of such ship, or vessel, on the voyage, upon the like penalty. That no person taking charge of any ship, or vessel, bound with goods on board from Jersey to Great Britain, or Ireland, shall proceed on such voyage, before their having entered into bond, with conditions to produce within six months of the date thereof, a certificate of the having landed the said goods, upon pain of forfeiture of the said bond. That no person taking charge of any ship, or vessel, bound from Jersey to any foreign port, and taking goods on board, shall proceed on such voyage, without having made oath before the civil magistrate, that such ship, or cargoe, is not bound to Great Britain, or Ireland, but to such foreign port, specifying the same, under the penalty of 50*l.* sterling. That the chief magistrate of the island have power to issue an order to visit, and examine, any ship, or vessel, bound from Jersey to Great Britain, or Ireland, upon information of there being

being on board any brandy, in unfrizeable casks; except for the necessary use of the ship; or East-India, or French goods, prohibited to be imported into Great Britain, or Ireland; and to cause the said goods to be seized, and forfeited.—That upon information the said magistrate be at liberty to issue an order, for visiting places suspected of having such forfeited goods.—That the bounty on English and Irish linens, exported to the island, may be granted.—That an admiralty cutter be stationed at the said island.—That the *onus probandi* should be on the merchant accused of having introduced prohibited goods.—That all powers for the due execution of the said regulation, with such amendments as may be thought necessary, be vested in the officers of his majesty's royal court in Jersey, as being more consistent with the constitution of that island; and that the bailly and jurats, and others whom it may concern, be directed to put the same regulations into strict and due execution.

That it is proposed by the representation to put the scheme into execution, so far as may be consistent with the constitutions of that island, they presume to hope, that from their regard, a proper and tender intention will be shewed to the immunities of the island."

Signed *Charles Lempriere.*

*Addressed to Lord Albemarle,
governor of Jersey.*

I shall now make a few observations on this scheme of that man, who so insidiously affects a tender attention to the immunities of his native land. He intended to usurp the whole power to himself, as chief magistrate of the island. The permission to grant search warrants was to be in him

alone ; no brandy was to be exported in small casks, and in small vessels ; and as the quantity necessary for any voyage, was to be determined by the court, after the multiplicity of proofs, which I have adduced, it cannot be said to be other than by himself : and to the world I appeal, when they shall have seen the merciless prosecutions, and unjust fines, which are already related ; whether any ship could have left the island, whose master and crew would not have been condemned and fined, for having taken too large a quantity of spirituous liquors. For can it be conceived, that on this occasion these brothers would have changed their nature, and from being wolves in all the former instances, have become lambs in this ?

To prevent the importation of small casks in small vessels, he knew to be impossible. And as he had filled the island with the pest of informers, he was convinced also that such practices would be revealed to him ; and that together with the forfeiture of their goods, offenders would be prosecuted by the attorney-general ; condemned and fined by the court ; and both goods and money be divided among the brotherhood. To what purport could it answer to prevent brandy from being brought in smaller casks, or smaller vessels than formerly ; when it was permitted to be imported in those of sixty gallons, and in ships of fifty ton, without paying duty ? And why was this kingdom to be charged with the expence of a cutter, to prevent smuggling from Jersey, when he himself, and strange as it must appear, with truth also acknowledges, in the preface to this scheme, that no such smuggling exists in that island, unless it were to answer his purposes of preventing ships from sailing without being first examined by

by his slaves, whether they had on board such goods, as being seized, would lay a foundation for fines and be converted to his and his brothers's profits? Why was he alone to have the liberty of visiting all suspected places, which was every house in the island, if he pleased? but that on every resentment he might send his terriers to examine and discover what, on many occasions, ought never to be revealed? And such was to be his dominion, that if brandy was found in less quantity than sixty gallons, it was seizable. The person who possessed it was to bring proof that it was imported in casks of sixty gallons, and by a vessel of fifty tons; and although this testimony might be adduced, it must have produced a law-suit on all such occasions, where no costs could have been recovered, because the king pays none. This circumstance was no small power, by which to torment the inhabitants. But if no such proof could be adduced the goods were not only forfeited, but an action was begun for the penalty, which the court would fix as the brothers directed. Thus the seizure was half theirs, and the whole fine came into their purses. It was the same respecting all other prohibited merchandise.

In England, where vast savings would be made to the revenue, if instead of the collection by customs, that by excise was universal; the visiting all houses, by officers, at their will, hath been considered as an infraction on their liberties; and the necessity of their proving by which way they came by prohibited goods, hath never been imagined, or admitted: because it is not only subversive of the constitutional laws, but contradictory to those of nature, which pronounce that no man ought to be compelled to bring witness, nor to depose on oath, that which may condemn himself.

With this power in his hands of searching, seizing, keeping, prosecuting, condemning, and fining, whomever he pleased; and in all which his interest directed, and his influence was equal to a command that they should be found guilty, what would then have been this combination of powers, but the most consummate tyranny, established by legislative authority: and infinitely more oppressive than the scheme which the commissioners proposed? What then was the wisdom or integrity of those states, or how enormous must his dominion be over their minds, when they consented to complete the perdition of themselves and their country, by this application to their governor? It is now too visible that the sollicitude of this Seigneur of &c.'s for the preservation of the insular immunities from being violated by the commissioners of the customs, proceeded from no other cause, than that of reserving the pleasure of devouring them by his own rapacious tyranny; and that his long list of particulars, and loyal care in preserving his majesty's pecuniary rights, consisted not only in preserving, but in augmenting the profits of his brother, the farmer of the revenues, in which he also participated.

Preternatural as it is that men, who are elected to preserve their country from destruction, should consent to vote their own perdition; or that any man among them should not oppose so execrable an act, yet after what has been already related, it can be no surprise that the lieutenant-bailly should propose, and the states of Jersey consent to such a ruinous proposition. But that he should dare to transmit it to the governor, under a representation of its being the request of the whole island, in order to delude his lordship, by that appearance, to attempt the duping of his sovereign and his coun-

council to establish so execrable an act, was an audaciousness reserved for the Seigneur de Roselle.

Unsuspecting this arrogant insidiousness of the bailly's deputy: and believing, as it was represented, that the inhabitants had been consulted by their representatives, as they ought to have been; and that the merchants and all others had united in this request, as an insular advantage, his lordship was induced to lay it before the council. Intelligence of this affair being promulgated in the island, the people were alarmed at this encrease of power in that magistrate, whom they already dreaded and detested: and they resolved, if possible, to obviate this imminent danger. Deputies were instantly dispatched to represent to the governor the false and scandalous imposition which this Charles Lempriere, esq; had presumed to make. Convinced of the truth of their relation, his lordship, with becoming dignity, resented this insult; the scheme was withdrawn; and by this propitious intervention, the voraciousness of that crocodile was disappointed, who pretending to weep over the liberties of his country, was solliciting a permission to devour them.

Having in this manner brought these unexampled brothers, and the jurats, before the awful tribunal of the world, on the accusation of two and twenty thousand people, whose loyalty was never impeached; in imitation of Philip Lempriere, attorney-general of Jersey, I shall now draw my conclusions.

Men and brethren,

I have now laid before you no inconsiderable number of facts, indisputably authentic. Besides these, there are hundreds more, which it is needless to adduce. For either those which I have delivered must prove sufficient to support my conclusions, and your judgment; or it will be in vain to add ten thousand to your consideration.

From these it evidently results, that the men of Jersey have been long precluded from their right of a solicitor-general to plead their causes, and protect the innocent. The court of law hath invaded the constitutional authority of the states; and by that arrogance not only usurped the rights and powers of the representatives of the people; but even those of their sovereign, by precluding the governor, his representative, from giving his assent, or negative, or being acquainted with the laws which they thus illegally presumed to institute. By these means they have actually expelled from the legislative assembly all that power, which can controul their imperious usurpations. They have abolished all judicial order of proceeding in their court. They have been at once prosecutors, witnesses, and judges, in their own causes, and imposed most heavy fines, to impoverish others, and to enrich themselves. They have refused even to guiltless subjects, an advocate to plead their causes, witnesses to support them, or even the accused themselves to offer one syllable in their own defence. They have transformed a feudal court into a legislative assembly, in order to pervert the very intention of all judicature. They have excused the plaintiff from proving those in-

dispensable

dispensable facts, on which all legal claims depend, and doomed the defendant to produce an impossible testimony, as the sole evidence by which he could maintain his right. They have retarded the armaments of their countrymen from attacking the enemies of their king; extended their judicial power into a country, over which they have no jurisdiction; punished men for actions, to the executing of which they are authorised by the law of the land; and treated his majesty's commissions as an usurpation of the rights of a lieutenant-bailly. By these perpetrations principles the most incongruous have been united, which their constitution, and the express authority of their sovereigns have disjoined, with perfect justice, and with distinctive judgment. They have added oppression to authority, vengeance to judicature, gain to insolence, and falsehood to jurisdiction. In consequence of these notorious violations, they have fined and imprisoned the unoffending; favoured and dismissed the guilty, diminished the possessions of the wealthy; undone the honest and industrious; and sed their vindictive gluttony without distinction of friend or foe, wherever it could not otherwise be accomplished. They have sentenced the guiltless to amendes, which they dread beyond the loss of life; saddened the aged heart with inexpressible affliction; and doomed whole families to guiltless infamy. They have treated the orders of their sovereign with contempt; and placed themselves superior to his royal authority. They have robbed him of his rights, in favour of their confederate prostitutes; and fixed those services on the indigent, which they themselves ought to perform. And lastly, they have attempted to seduce even their sovereign and his council to sign the warrant of

execution, by which they might at length give to liberty, whose beauteous limbs they have already broken on the wheel with their mace of magistracy, the *coup de grace*, and finish the agonies which she hath long endured.

These accusations I make not on suggestion, like the attorney-general of Jersey; nor will you determine on presumption, like the royal court of that island. Records of their own transactions, registered from the lips of those whom I accuse, are the irrefragable testimonies of all I have delivered. And in these conclusions I include all those degenerate jurats, those pests of justice, who, regardless of the laws of God and man, the rights, immunities, and freedom of the people; the sacred depositions which they have made beneath the eye of the almighty, have bent ther consciences to the crookedness of these brothers, and brought unnumbered miseries on their fellow-subjects.

I conclude, therefore, that these magistrates having proved egregiously delinquent in the discharge of their duty, both faithfully to their fellow-subjects, and loyally to the ordinances of their sovereign, according to the express law of Henry the seventh, be ignominiously expelled from their offices; and never be admitted into any others in the island; but to be for ever deemed and received as persons perjured and infamous.

In this manner I rest the preceding conclusions before the judgment-seat of all mankind; and hasten to prepare a second indictment against those polluted beings, who after this multifarious commission of the preceding actions, still dare to look their injured fellow-subjects in the face; and as magistrates are still persevering in their horrid deeds of oppression.

Before

Before I close this chapter, I beg leave to ask, what would have been the fate of the highest magistrate in England, had he committed the hundredth part of those enormities, which I have proved by their own acts to have been perpetrated by the court of Jersey? I will venture to affirm that the royal influence would never have been exerted in his favour; and I am persuaded that if ever this production shall be honoured by the attention of his majesty, his justice will extend a condign punishment to those unrighteous magistrates, who contemning the laws of God, their king, and their constitution, have thus presumptuously converted the sword of justice to the instrument of vengeance; the powers of judicature to the racks of extortion; and the rights of the people to the means of enriching themselves.

C H A P. III.

*Of the origin of the tumult in Jersey, which happened
on the 28th of September, 1769.*

FROM the nature of man, who is a gregarious animal, and depends for self-preservation on the powers of many united in one society; whose strength is to be ruled and conducted by the wisdom of a superior; it spontaneously follows from that conformation of mind, that the multitude are in general more inclined to obey with confidence, than their leaders are to govern with equity. And this observation appears to be verified by the history of all ages. In this place I would not be understood to mean in cases where the ambition of one man, or more of the community, in nations where the dictates of nature have been supplanted by the artificial influence of property, that this disposition to obey the established government is uniformly prevalent.

Insidious artifices, fallacious tales of violence intended, and the representation of actions as destructive of liberty, which are, in fact, the preservation of it, have incensed the populace to disobey the constitutional powers; and to subvert the

the state. Popular credulity receives the misrepresentation for the fact; and acts from the impulse of visionary evils, with impetuosity equally precipitate, as if they were real. In all such commotions, if their powers be not carried into execution, whilst their minds are heated with such fictitious motives, the multitude are soon taught by their sensations that they have been deceived; and they fall off from their demagogues, one after another, like leaves from the trees in autumn.

The instances to which I allude, are such as have begun among the populace, unincited by state-saving empirics, whose medicine is constantly an enormous dose of pretension to deliver the people from their grievances, conveyed in the sound of liberty. Such as arise from sensations of the sufferings, which they feel from the deprivation of what by the laws of nature they are entitled to enjoy. The reasoning of the million is not derived from abstract and speculative principles on the rights of human kind, the intention of government, and the good or evil which results from it. They do not pervade to those effects, which may arise from causes in the infancy of operation: they act from sensibility. And being supplied with the common necessities which life demands, by their own labour; and not debarred the common rules of justice, I shall venture to pronounce, in opposition to *Xenophon himself, that there exists no animal more tractable, nor more easily to be governed than man.

And notwithstanding that the energy of sensation is quick in its operation, because on these admonitions the existence of life and progeny depends, yet:

* Cyropæd. L. 1. p. 1.

yet will the people bear a long progression of gradually encreasing misery, before they attempt to violate their innate principle of subordination to a superior. And in all tumults which have arisen from popular incentives, in the manner which I have mentioned, their insurrection hath been founded on justifiable causes: but perceiving themselves let loose, and in power, without a head to direct them, revenge takes place of right; and they finish in violence and devastation, that which was begun on justice, and on the claims of human kind.

I shall now proceed to give an account of the tumult which happened in Jersey, that hath given cause to the late transportation of troops to that island. And the more aptly to explain and elucidate that transaction, I must necessarily recur to some events which were antecedent to its happening.

It has been already said, that the rents of Jersey are payable in wheat; but that they are commutable by money, according to the medium price of the market during the year; that the king has a great number of these wheat rents, which of course must belong to the farmer of the royal revenues. It is his interest, therefore, to encrease the price of wheat as much as possible, because that must augment his income; whether he receive the wheat and sell it; or the money in compensation, according to the highest price. And I shall shew also, that this Philip Lempriere; that compound of attorney-general, and farmer of the revenues, takes the liberty to impose a larger price than that of the market; and what is received by all other persons in Jersey, to whom such rents are due.

It must be mentioned also, that licences are granted to the bakers, by the court; which may be taken from them, if that jurisdictional body shall think proper; that the lieutenant-bailly participates in the farm, and that the jurats implicitly obey his mandates; and that no advocate will undertake a cause against the brothers. To this court also it appertains to fix the affize of bread; and that the bakers profits are at all times in proportion to the smallness of the loaf, compared with the price of wheat. Let me now explain in what manner these circumstances have been converted, to the filling of the purses of the Lemprieres; and of oppressing the poor and laborious people.

The farmer of the revenues constantly receives some part of the king's rents in wheat; and this he sells to the bakers, at a price above its value. They readily accept it on such terms, because it is at once equally an advantage to the buyer, as to the vender. To the latter for reasons just related. To the former because they make their bread according to that high price; although they purchase the greatest part of their corn from common farmers, at a rate considerably lower; and should that rare phenomenon of honesty in a baker take place in either of them, their licences are in the power of the court, which is in that of the Lemprieres. And this would have been taken from one of them for refusing to give the price which Lempriere demanded, had not colonel Campbel, then commander in chief, interposed, and prevented that iniquity. In consequence of this combination between the farmer-general and the bakers, the latter are indulged in making bread of what weight they please; and remain unexamined by the court. Such being the nefarious con-

conjunction between the buyer and the seller, the effect which it produces on the poor can need no explanation.

The bakers having given the price that Lempriere demands, purchase the corn from the common farmers, as it stands in stacks, at much lower value, and have it threshed at their own expence. By these means* very little corn is brought to market. The poor are prevented from buying the small quantities, which is agreeable to their small sums of money; and they receive no advantage from the lower prices which the bakers give; because there being no assize given out by the court, they make their bread according to the value which was given to the farmer-general. Can the world produce a more diabolical combination between magistrates and bakers to grind the face of the poor?

† During the late war, when the usual supply of provisions from France was necessarily suspended; and all intercourse legally forbidden; the lieutenant-bailly had boats laden with commodities from that country, such as linens and other goods, at the same time that a like practice by others was strictly interdicted. Whether he then traded in such merchandise, and sold them at an exorbitant price, I am unable to determine; but the affair was discovered by a person, who ignorant of this illicit commerce, had too officiously seized a cart, laden with such commodities, going to the house of the chief magistrate. This mistake was intended to ingratiate himself with the brothers, because such seizures are forfeited to the king, and received by the farmer-general. Hence it appears that Charles Lemp-

* Jersey petition, article 13.

† Mfs. of a late commander in chief.

Lempriere, Seigneur de Roselle in his &c.'s, includes a smuggler also; notwithstanding the blessed scheme which was transmitted to Lord Albemarle to prevent such practices in Jersey, and is as indulgent to his own delinquencies, as he is severe on those of honest men. The matter was passed unnoticed by the jurats; for who shall dare to interfere in suppressing the violations of the law, which a Lempriere commits?

With this egregious predilection for himself, every art was exercised which could encrease the price of provisions. The lieutenant-bailly keeps his estate in his own occupation, as do most of the jurats; and the dearth of their products encreases their incomes. The impracticability of the people's being relieved from France, at that time, and the influx of money among the common sailors, from prizes taken by the privateers, hold the inhabitants in tranquility during hostilities. With the return of peace the usual trade with France was renewed; and the value of provisions descended to their former rates. The farmers of all denominations soon perceived the lessened value of their productions. The court alone, without the concurrence of the states and governor, resolved that peace should produce no plenty; *and passed an act, prohibiting the importation of all kinds of provisions from France, under the severest penalties, even to the exclusion of eggs and hog's lard; and of such necessaries as the island did not produce. Had they convened the states, they were assured, colonel Campbel, would have given his negative to such an act; for these reasons it is that they supersede the constitutional assembly,

* Mss. of a late commander in chief. Jersey petit. Art. 1, 2,

assembly, and erect the judicial court into a legislative body.

At this time of prohibition, full permission was given to the exportation of the insular productions; so that the necessaries of life became more dear than in the time of war. This combination of the means of extortion set fire to the magazine of their other mischiefs, which had been long laid up in the bosoms of the people, and the explosion was great. It excited a clamour also among the half-pay officers, who had retired to that island to subsist on more reasonable terms than in England; and it bore with much hardship on their slender incomes.

Alarmed by this disquietude of the half-pay officers, who were not, like the settled inhabitants, doomed to suffer in silence, the brothers became apprehensive lest they might transmit an account of the fraternal iniquities to their friends in England, and excite them to apply for redress. The lieutenant-bailly and the attorney-general, therefore, entered on a plan to compel them to quit the island. They knew that men in such circumstances must regularly receive their pay whereon to subsist; and that could the receipt of it be prevented, there would remain no abode for them in Jersey. In order to be entitled to such receipts also, it was necessary that each officer should make an oath, before some legal person, to be transmitted to the proper Office in London. The lieutenant-bailly was resolved to rescind the means of their making depositions; and thereby to prevent their receiving their half-pay. The jurats had till then administered such oaths, but now again they assumed the legislative authority, and passed that act, already mentioned, which renders it impracticable to administer an oath but in the presence of

of the lieutenant-bailly. But in this malicious attempt they were disappointed. Colonel Campbel knew their malignity and his own powers. He administered such oaths, and relieved his brother officers from their distress; and all the lieutenant-bailly acquired by this oppressive measure was the detestation of every honest man.

Under these circumstances, the value of the necessaries of life became enormously encreased; and flour was little less than double its accustomed price. Happily for the preservation of the industrious and labouring islanders, the ports of France were then, propitiously opened for the exportation of grain; and this article, as it had seldom been imported from France, was unsuspected at the time of making the act of prohibition, and was therefore uninterdicted. By this new source of sustenance the value of corn was again reduced to a moderate price; and this disappointment in starving the people hung heavy on the hearts of the brothers.

*The lieutenant-bailly, with the jurats only, again intended to assume the legislative power, for the reasons already mentioned, and to pass an act to prohibit the importation of corn from France. The price in England was then too excessive to permit an exportation. This, in fact, would have been nothing less than a provisional ordinance to starve the people.

When magistrates have the villainy to proceed in this inhuman manner, their authority is dissolved; and the people are discharged from their obedience. Every obligation of social compact gives way to the impulse and laws of nature; and men are justified

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in exerting the powers which God hath given them to obtain that sustenance, without which they can no longer subsist. In times of such enormous oppression, to talk of subordination is a crime. The people, therefore assembled. There were no other means of preserving life. To appeal to the throne was to be starved before the messenger returned; and by this well timed resolution, these unmerciful brothers were intimidated from carrying their impious intentions into execution. And yet, influenced as the people ought to be against those monsters, not an act of violence was committed on any of them, not even against the most execrable and obnoxious.

It is in vain to attempt the changing of the nature of wild beasts. No art can tame a tyger, so as to obliterate his original propensity to devour. The brothers, disconcerted for a while, and irritated by their disappointment of reducing their fellow-subjects to famine, were nevertheless resolved to persevere in the perpetration of that inhuman act. They, therefore, entered upon the design of exporting the corn of insular growth, because at that time it bore an excessive price in England. The experience of every year proves by the quantity of corn that is imported into Jersey, that the island does not produce grain sufficient for the inhabitants; and the dimensions of the island, compared with the number of people, adds a demonstration that so small a space is unequal to such a produce. For of that soil which is but little more than an acre to an individual, full one third of it is rendered unproductive of sustenance, by barren grounds, and numberless lanes and hedges.

In pursuance of this famishing scheme, two vessels were laden with wheat by the brothers.

Their

Their barbarous example was followed by others. The lust of gain, and the precedent of these rulers of the isle, drowned every sympathetic sensation; and every thing was preparing to accomplish this mischievous intention. At first the people perceived not the fatal effects which might ensue from this undertaking; and had the wind proved as indulgent to their cruelty, as the exporters were forward in carrying it into execution, the most part of the corn might have been exported in eight and forty hours. At length the multitude became sensible of their danger. Wheat had been imported from France in small quantities, in proportion as it was consumed*; and should the insular corn be exported, they saw that they should be then exposed to the mercy of the French, and the exactions of importers. And as exportation from France was a new thing, the shutting the ports in that country might take place and that must produce a famine; for there could be no help expected from England, where a dearth prevailed. Colonel Campbell was intimately acquainted with the consequence of such an exportation of corn; and when they applied to him for licences to that purpose, he refused their requests. He remonstrated on the barbarity of the intention; and forbade the vessels to leave the port. Notwithstanding this merciful interposition, congenial with his authority, and in favour of the inhabitants, the brothers resolved to treat the representative of their sovereign with disregard; to violate the obligations which they had sworn to observe; and audaciously asserted that the ships should sail without his permission.

* Mss. of a late commander in chief.

The intelligence of this design alarmed the people; they again became tumultuous. The commander in chief threatened to sink the ships, from the castle, if they presumed to sail; and at the same time ordered a guard of soldiers to prevent the populace from perpetrating an injury on the ships and cargoes.

This laudable exertion of authority in the works of mercy produced the intended effect; and the corn was re-landed. Such are the blessings which one just man in power, who knows his duty and resolves to execute it, may yield to thousands in distress. This scheme of producing famine being thus prevented, the people in crowds thronged with tears of joy to thank the commander in chief for their deliverance. Void of that ironical accent, which gives to words an opposite meaning to what they literally imply, he bade them to thank their magistrates for re-landing the corn. This judicious behaviour would have encreased their esteem for him, had there been a possibility of adding to that which they already entertained. They retired in prayers for his happiness, and in invoking divine vengeance on the impious heads of the Lemprieres, and their servile magistrates.

When the soldiers were commanded to guard the ships, the guard-house was in the charge of the constable of the parish. To him the commander in chief sent a written order to give the soldiers possession. This he refused, in contradiction to his oath of office, by which he is sworn to obey such orders, and at the risque of being torn piecemeal by the populace, had his insolence been imparted to their knowledge. Such is the ascendant which those Lemprieres have obtained over the representatives of the people, by the relentless exertions of vindictive cruelty.

The

The atrociousness of this refusal, on an occasion so essential to the preservation of the people, was deservedly to be punished. *The commander in chief required the attorney-general, whose express duty, and intent of office it is to prosecute all offences committed against his majesty's servants, to demand, in the colonel's name, that the offender should be called to justice for this indignity offered to the representative of their sovereign in that island; and for the violation of his oath. With unexampled effrontery, unless the example be taken from his brother, this marmiton attorney-general, this bacon-cutting purloiner, rejected the application; most audaciously placed himself above the commander in chief; and replied, "the constable had followed the direction of his brother, himself, and the jurors." But where is the wonder that men should dispense with oaths in others, who themselves despise them? or that a disregard should be paid to the commander in chief by those, who condemn the commandments of God and the king, the laws of nature and their country, the cries of the famishing and the calls of justice?

Defeated in this nefarious intention, effrontery subsided into fear. The brothers trembled at the representation which colonel Campbell might make of their barbarous proceedings. If the affidavits of a majority of the jurors could have consecrated this iniquity, and the addition of the insular seal could have availed them, it had certainly been done. But these were the criminals, and such evidence in
I 3 justifi-

* Oath of the attorney-general. *Vous jurés et promettes ici, en la présence de Dieu, que fidèlement Vous exercerez l'état et charge du procureur sous notre souverain seigneur George treizieme. Vous rappellerez par loy et justice les droitures de sa majesté si aucune en sont étranges. Vous maintiendrez et défendrez l'honneur de monsieur le gouverneur, &c.*

justification could not well be offered on that occasion. A majority of the states also would undoubtedly have voted their approbation of their misdeeds: but these could not meet without the presence of the commander in chief; and his negative was not to be risked; because such a denial must have brought their conduct before the king and council; and this might have proved fatal to their offices. An expedient was found at last, on which they placed their whole resource of exculpation.

Among the records there lay an act, passed in the last century, asserting that the island produces corn sufficient for the sustenance of the inhabitants. To this antiquated instrument the lieutenant-bailly and the jurats, in his private chamber, affixed the seal of the island, in order to impart a more specious authority to the deception. The jurats would have fixed the seal to a renunciation of his majesty's sovereignty, if the lieutenant-bailly had required it; for they have frequently postponed the orders of the king to those of this bailly's deputy: and in this manner an act made on the circumstances of a hundred and fifty years before, and totally obsolete by new ordinances, was sent as a justification of what was done at that time. The insolence of this transaction had not been more notorious, had they signed and sealed a Mediterranean pass, and sent it in its stead. The ministry received it as a plenary conviction of the rectitude of the court, in attempting to starve the people; and the representation of the commander in chief slept in peace among innumerable of its predecessors, quietly reposed in dust. It must have given trouble to the council to have examined this affair, and therefore the welfare of two and twenty thousand subjects was then postponed to indolence

dolence or dissipation. To examine such contentions is long and painful, and the most effectual method of relcinding that embarrassment, is constantly to believe the assertions of the lieutenant-bailly and the jurats, as witnesses in their own causes; and to pay no attention to the evidence of others who oppose them. By that prevailing motive the brothers have repeatedly escaped from punishment, for actions which are more nefarious than all those that are committed by all the felons who are hanged in this kingdom in a year. It is in consequence of escapes so numerous that they are become unawed by government, and dare to execute any deed however atrocious. On such occasions it is, that in their select companies they say with derision, *allons, messieurs, amisons le roy et ses ministres.*

It has been frequently remarked, that felons who have escaped the justice of the laws, by some casual circumstance in the process or the evidence, instead of being admonished by the danger to desist from their malefactions, are encouraged by the singularity of the event to continue in the same practices. Such fellows draw an inference directly opposite to the rules of reasoning and experience. Instead of concluding that they were saved by an accident that may not happen in a hundred years, they infer that the like of what hath once happened, will happen a hundred times. On this conclusion they proceed, and at length are executed. This method of reasoning and of conduct, seems to have been that on which these brothers have proceeded, and I fancy the time is at no great distance which will put a finishing stroke to their exploits.

Whilst colonel Campbel was commander in chief, his vigilance and humanity were sufficiently

preventive of enacting unjust ordinances by the itates. From the day of his arriving he began to inform himself in the constitution, laws, and customs of the isle; to be acquainted with the extent of his own powers, and those of the jurats; and he was not to be intimidated by a court, whose actions, on every day of their meeting, pronounced the crookedness of heart in the chief magistrate, and the pliability of the jurats. As the flatterers of Alexander affected to have wry necks, because that monarch was formed in that unnatural manner; so the jurats, on the same account, distorted their consciences in complaisance to their leader, till they possessed no power to restore them to rectitude.

The sight of an honest man is an object of aversion to the abandoned. The court were affected with a longing diametrically opposite to that of pregnant women. It was, not to possess that which they had in sight, lest by tasting it, their judicial offspring might be disfigured by the mark of integrity, and become displeasing to the lieutenant-bailly: and no profligate son hath ever received intelligence of the death of a virtuous father, who had refused to indulge him in his vices, with more joy, than the brothers and the bench heard that colonel Campbel was not to return to Jersey.

At his leaving the island he had given the inhabitants hopes that he might alleviate their miseries when he came to England; and by their confidence in him they were kept from insurrections and violence. The sufferings which I have already related had inflamed their minds to such excess, that nothing but their expectations of relief, founded on the known benignity of this commander

mander in chief, could have prevented them. Colonel Campbel performed his promise in applying for what was just and necessary for the repose and welfare of the islanders; but finding that no attention was paid to it, he desired to be excused from returning to Jersey, without the means of serving the unhappy people.

Unapt as this late commander was formed for expediting the conduct of the brothers; and as fervently as they had cursed the king that sent him to Jersey; so much did they bless those planets which were in the ascendant when colonel Ball was commissioned to be their lieutenant-governor. Nature seems to have formed him on purpose to minister to all the mischiefs which the brothers might intend, even beyond their most sanguine expectations. His understanding was originally contemptible; and by a severe application to the study of drunkenness, he had rendered it much worse. He possessed no more ideas than an oyster, and like that inert animal, he seldom opened his mouth but to take in fluids. To the language of the country, the legislative and civil duty of his command, and to the sensations of humanity he was an utter stranger.

Such was the man, selected from the world to sustain the dignity of the king, and to protect the rights and welfare of his subjects in the island of Jersey. The inhabitants received him as an harbinger, who proclaimed that the plague had broken out in one of their parishes. The brothers, as the Jews would their messiah, a person sent to restore them to the land flowing with milk and honey. In the truth of these pre-sentiments both sides were speedily confirmed by experience; and joy and sorrow flowed in two different streams from the same fountains.

In

In the year 1769, corn was extremely dear, both in England, France, and Jersey, the French ports were shut, and the prohibition of exporting corn from England threatened famine to the islanders of Jersey. They petitioned the parliament, therefore, for leave to import a stipulated quantity from Great Britain, and it was benignly granted.

During this time considerable quantities of wheat were withheld from sale, for the double reason of augmenting the price, and to offer a pretext for exportation, on a superabundance, through want of sale. The bakers were made the instruments of this inhuman practice, into whose hands the corn had been put by the brothers, in order to screen themselves from the appearance of being exporters; and to convey the idea that the villainous bakers had corn more than sufficient for the insular consumption, when the proper time for exportation should arrive. During this reserve of wheat, the bakers purchased of the common farmers, and it became of an excessive price. Very little, if any, was brought to market. People of condition absolutely wanted bread; and the poor who bake their home-made bread at the common ovens, could frequently purchase no corn, and repeatedly entered the court, and asked the lieutenant-bailly and the jurats; where they should purchase corn to prevent their being starved. Unmoved by these distresses, they still concealed their corn, and not a bushel of it was sold to the inhabitants.

In this deplorable state the islanders dragged on the sufferings of life, till heaven in commiseration to their woes, sent them the promise of a plentiful crop of grain; and this circumstance alleviated their calamities. This plenty was not more than two thirds
of

of the annual consumption; nor can more be produced in the most fertile season. The brothers conceived the apparent fruitfulness would afford a favourable pretext for exporting the corn which they had hoarded. It would encrease the price of what should be produced in the succeeding year, avert the loss on their stock in hand, and bring on a like calamity to that which the inhabitants had just been suffering.

At this time their chief supply was from England, according to the express quantity which had been granted by parliament. Notwithstanding the necessity of this importation, the brothers now urged the necessity of exporting the corn which was spoiling in the bakers possession; and represented it as a surplus which remained from the last year. On the knowledge of this concealment they were sincerely execrated for their denying bread, with the means to afford it; and this added a fresh inflammation to those which the inhabitants had so frequently felt. Such was the certainty of the Lemprieres that an act to permit exportation would be assented to by colonel Ball, that they began to ship their wheat before it was passed. As they imagined, the act was readily assented to by the lieutenant-governor. Their souls were now elate with the hopes of vengeance on the people. They resolved to counteract the beneficence of the all-merciful, and to defeat the ends of that plenty which he had bestowed. The corn was shipping, and the vessels were almost laden. But the late calamities which the inhabitants had undergone, and the dread of being subjected to a repetition of similar sufferings, was too strongly impressed on their souls, to be effaced by this prospect of a better harvest, because they knew the insufficiency of the best. This conjunction of cir-

circumstances alarmed the people of the island. The very women resolved to perish in the attempt of preventing the exportation of corn, rather than to risque the same miseries which they had undergone in the year preceding the present harvest, which was almost ripe for collecting; and they cried, *allons mourons sus la plieche, pustet que par une dizette languissante le bouan gui nos a donet du grain, et je le garderons en depiet des sbez bougres de Lemprieres, et de lus cour, car si je nos syon a yateux y nos affemeront**. They met in the market place, and the brothers and their confederates were astonishingly affrighted.

They proceeded to the ships, and demanded that the wheat should be re-landed, and their commands were obeyed. As an unanswerable evidence that nothing was intended, except the justifiable undertaking of preventing famine; and that there was no occasion for exporting this wheat, the poor of the island immediately bought and paid the full price for every grain that was brought on shore; and would gladly have purchased double that quantity. And in this manner that pretext for exporting this corn, which the brothers had given, was proved to be perfectly corresponding with their other falsehoods.

Such was the inhuman conduct of that court, who had sworn to preserve the rights of the widow, the orphan, the stranger, and the helpless. For certainly a right to sustenance is one of the number, although the brothers act as if the lives of the inhabitants were only to minister to their rapaciousness. In

* Let us die on the spot, rather than by languishing in famine. God hath given us corn, and we will keep it, in spite of the bougres the Lemprieres, and the court, for if we trust to them they will starve us.

In this instance these old women assumed the authority of the states: and they proved to demonstration, that they were more properly adapted to the charge of legislation than the lieutenant-governor, the bailly's deputy, the jurats, clergy, representatives of the people, and the attorney-general. Such then is the admirable propriety with which those gentlemen are intrusted to make laws for an honest and deserving people.

When the women upbraided Ball with his consenting to the act; and told him that colonel Campbel would not have suffered the passing of such a power to starve them; he damned the lieutenant-bailly and the states for a pack of scoundrels; and swore he consented because he did not understand their lingo.

Nor was it in corn alone that these unhappy people were driven to extremities; they were in like manner oppressed respecting the provisions of the shambles. The number of butchers is regulated by that of the stalls in the place where meat is sold; and none are allowed to slaughter for the inhabitants, but such as have taken these stalls. The power of letting them is in the viscount; and the price of each, which was a few years since not more than forty shillings, is now raised to sixteen pounds. This augmentation operates like an insular tax on the inhabitants. The butchers remember that sum in all they sell; and beef and mutton, which not long since were two-pence halfpenny a pound, at the dearest, are now advanced, at the cheapest times, to three-pence halfpenny, and five-pence in the dearest. And for this there exists no reason, as in England, from additional taxes; but the brothers who fixed no assize, and suffered the bakers to cheat
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the inhabitants in their bread, because it was the interest of the fraternity, are as indulgent to the viscount in this exorbitant demand; and never regulate the price of provisions, which they are bound to do by their oaths, and the order of king and council.

In this place I shall beg leave to shew that such magistrates have not always proved to be the baneful production of the island; and that neither justice nor mercy have been strangers to that isolated spot. *In the year 1697, Philip Le Geyt, of whom an account is given in the preface, was lieutenant-bailly. The states having found that during the war the inhabitants, by encreasing their industry in cultivating the lands, had provided for the supply of corn without importation, passed an act to encourage those laborious husbandmen; and to prevent the danger of famine for the future, in times of hostilities. It was thereby enacted, that no corn but of the growth of the island, should be admitted to be sold, so long as the farmers would sell their wheat at thirty sous the cabotel, and other grain in proportion.

†In the year 1709, it had pleased God to bless the inhabitants with a fruitful harvest, after a year of great dearth. At that time, as in this, of which I have been antecedently speaking, there were men regardless of the distresses of their fellow-subjects, who were attempting to export the corn. The same chief magistrate and the states enacted, that no corn should be exported, in order that the poor, as well as the rich, might enjoy that plenty.

Such

† Act of the states, 11th of November, 1709.

* Act of the states, 16th of December, 1759.

Such are the words of the act. The bakers and others who had purchased wheat to sell again, and enhanced the price, were interdicted under severe penalties, from that practice; lest they should rescind the good intentions of the act. They were restricted from buying corn but in the market; and then not till past two o'clock, that the poor might be first supplied. All persons were forbidden to buy in the public roads, streets, town, or lanes, under the penalty of a fine, and confiscation of the corn. At this time Philip Le Geyt, nephew of the lieutenant-bailly, was attorney-general.

On the 4th of April, 1703, there was an extraordinary meeting to quiet the disturbances which had arisen in regard to the scarcity of corn. There then were many, like the Lemprieres, who hoarded their grain to encrease the price. The same chief magistrate and the court immediately exerted their right of fixing the price of provisions; and ordered that the best wheat should be sold at thirty sous the cabotel; and to prevent monopolies of the corn, to the prejudice of the indigent, it was ordered that search should be made, in order to discover the quantities which were possessed by the individuals; and if it should be found that more than sufficient for their consumption was in hand, that it should be seized by the constables and centeniers, and distributed to those who were in want, and to the poor; and such monopolizers were subjected to a fine by the court.

*In this year the harvest was abundant. Nevertheless an act was made to prohibit the exportation of corn, flour, peas, and beans. They were convinced

* Act of the states, 23d of October, 1713.

vinced that such an appearance was, in fact, delusive with regard to the number of inhabitants, and quantity of grain; that sending the corn from the island was equivalent to a scanty production, and would reduce the poor to similar distress. None, therefore, could export, under the penalty of fine, and confiscation of the corn, boat, or vessel, concerned in that commerce.

Philip Le Geyt, the elder, was still alive, tho' retired from the magistracy. The name of the gentleman who succeeded him I have not heard. That the counsel of the former was the rule of the judicial conduct whilst he lived, the account of his life declares; and his nephew was then attorney-general.

Let me now add to the former account, of the different conduct of the Lemprieres, that which follows. *In the year 1763, at the proposition of the deputy attorney-general, an act was made forbidding all persons whatsoever to import from France any cattle, sheep, hogs, fowls, eggs, meat of any kind, butter, fat, under pain of confiscation of the vessel and cargoe to the king, which was to the brothers, and another for exporting the insular productions.

In the year 1757, several prizes were taken by a privateer, in which the two Lemprieres were concerned: and the farmer-general was the armator, or ship's husband. Part of their cargoes consisted of more than eleven hundred barrels of flour. Of that quantity the farmer-general bought more than half for the owners, and at an exorbitant price. This was done to prevent this necessary of life from falling into the hands of the common people; and thereby lowering the price of his rent wheats.

* Act of the court, 16th of July, 1763.

wheats. This iniquity was discovered by some of the co-partners in the privateer, and they demanded, and took their share of what he had purchased for the company, and had reserved to spoil, in order to sustain the insular productions at an enormous price. It was sold at a less value than what was given for it at the sale. In this manner these brothers sacrifice the property of other men, in order to distress the indigent and enrich themselves.

If this lieutenant-bailly, and his brother the attorney-general, be compared with the preceding Le Geyts, who enjoyed the same offices, it will be seen what dissimilar men, and magistrates of different sentiments and administration, have been produced within this little insular spot of Jersey, and what were the conditions of the people under their discordant magistracies and powers.

C H A P. IV.

Of the immediate cause of the tumult in Jersey.

NEVER to remit oppression, or manifest an act of humanity, as long as it is in their power to continue the former or prevent the latter is an invariable maxim of the Lemprieres.

The brothers had not escaped the last tumult of the women above six weeks, when the day arrived on which the price of the corn was to be fixed, at which those rents, for twelve months preceding, were to be discharged in money, that had not been paid in kind. The quarters of rent wheat which were to be paid to the islanders, were rated at forty-eight sous the cabotel; and the farming attorney-general made his proclamations according to custom, that all those who owed wheat rents to the king, should bring him corn, or pay at the rate of fifty-four sous the cabotel; which was six sous more than the highest market price on every English half bushel, and it exceeded all that had ever been before demanded. This excessive rate evinces the scarcity of corn in the preceding year; and the obduracy of the brothers in concealing that grain which they had attempted to export.

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The farmer-general had received from those who were most distinctively the slaves of his behests, as much rent in corn as would answer his purposes of selling at a high price to the bakers; and he now began to evade the receiving it in kind, without money, to make it at the value of fifty-four sous; or that sum per cabotel, in commutation. In order to perpetrate this design, he formed pretexts to refuse the grain which was offered; for without some pretensions he is obliged to take the rent in kind. When any man brought him his rent corn, he pronounced it not merchantable; and either refused to accept it, or obliged the person to give him so much money as he thought was requisite to make it of the value at which he had fixed it. This evasion and demand were open infractions of the beneficent law of James the first, instituted to prevent the extortions of the receiver. By that law, those who were injured in this manner, were to apply for redress to the court. But Philip Lempriere was the attorney-general, the receiver and farmer of the revenues; and on that account he would not undertake an action against himself. There was no solicitor-general to adopt the cause; nor would another advocate defend an action against the brothers. The lieutenant-bailly, and one of the jurats, participated in the profits of the receipt; and a majority of the bench would as soon have passed an act to abolish the ten commandments, as one that should diminish the profits of the Lemprieres.

Mr. Le Couteur, a brother of the dean, carried his wheat rent to the farmer-general. It was rejected, as not merchantable. He applied to the court to have the grain examined by an inquest; and as that claim could not be denied, the court appointed the bakers to that duty. Mr. Le Cou-

teur excepted to the examination by these men, as persons under the influence of the farmer-general, between whom there existed a sinister combination. That reasonable objection was refused. He desired that an equal number of farmers might be joined with the bakers. That was rejected also. Thus the determination of that affair was committed to persons, whose interest it was to depreciate the value of the corn; and who, had their inclinations prompted them to follow the dictates of honesty, were restricted by the dread of being deprived of their licences. The wheat was, of consequence, determined to be unmerchable. In this manner these bakers are collusively added, as a reinforcement to the judicial powers, by which these brothers carry their extortions into execution.

Mr. Le Couteur parted with this identical wheat at the market price, to a person who chose to pay in kind, rather than at fifty-four sous the cabotel, in money. This latter man was a sub-minister to their inclinations. The wheat was received by the farmer-general, and by the bakers from him, without objection, and at the best price; for, in fact, there was none to be reasonably made. At other times these wheat rents have been brought, in kind, and refused, without the addition of money, to procure their acceptance. *Edward Hocquart carried to the farmer-general seven cabotels of rent wheat, or three bushels and a half, English measure. It was rejected, as not good, although no man would dare to bring but the best, because they knew that the consequence would be a refusal of it. The poor man was commanded to

* Certificate of Edward Hocquart.

to pay two shillings in money, to be added to the wheat; or fifty-four sous per cabotel, in money. With the latter it was impossible for him to comply, he had not six sous upon earth. To accomplish the former, he was obliged to borrow from the poor people who lived near at hand; and by their assistance he was unable to raise more than eighteen pence. With many a prayer to take that sum, and protesting that he could borrow no more, that and the wheat were taken together. Such are the inhuman extortions of this rapacious farmer-general, from all who are indigent, or dare to displease the brothers. To such the polite expression of this bacon-headed miscreant is constantly, *Tu t'en repentiras bougre*. Impudence and cruelty are the inseparable inmates of his soul.

Such was the excessive price at which the rent corn was fixed. Such the oppressive treatment both of the rich and poor by the brothers; and such was their governor lieutenant colonel Ball. The people, therefore, despaired of relief from their miseries. To this last sensation they were reduced, because colonel Campbel had not returned as commander in chief, which they were convinced he would have done, had the powers of redress been obtained. Without resource but in themselves, a number of the common people, to the amount of between four and five hundred, resolved to depend on those powers which nature had given them, and in cases of such oppression which God had not forbidden them to exert.

On the 28th of September 1769, they came into the town of St. Helier the day the court was sitting, and demanded the abrogation of the act which had fixed that excessive price on rent corn to the farmer-general, and of some other acts; and that such as they proposed should be passed

also. Dismay was smelt from the bench and from the attorney-general. They complied with what was demanded, and no injury was done, or attempted against them.

Incensed as these people must have been against oppressors so enormous, it seems to be an instance of marvellous temperance in them, that none of their destroyers were put to death; but the common people of the isle are too brave to commit acts of cruelty; and generously left these invaders of their rights to the justice of their sovereign. In this manner having accomplished their design, they retired in quietness to their own houses; and it was remarked by such as were eye-witnesses of the fact, that by far the greatest part of those who composed this tumult, consisted of men who reside on the fiefs of the two brothers; for these lye more open to their vigilant barbarity, and are doomed to severer sufferings.

The lieutenant-bailly, on horseback, with madam de Roselle, *en croupe*, returned to Dillamont, some miles distance in the country, through numbers of the insurgents, undisturbed and unmolested; and it was not by affection or regard for the amiable disposition of that fair lady, that the populace were restrained from acts of insult. *Post equitem sedet atra cura*, most aptly expresses the idea which that pair, so mounted, convey to the inhabitants of Jersey. This tumult happened on a Thursday. The next day the chief magistrate attended his workmen, who were building a mansion for him on his fief of Roselle, at a distance from Dillamont. He was then in the middle of those who had been most active on the preceding day. Not a word, nor gesture expressed their resentment. On the Saturday the jurats met, according to the customs of the

he isle, to hold the court in the cohue. The iecutanant-bailly did not attend. During this interval he had ruminated on his own and his brother's conduct; and, conscious that it was such as could not withstand an enquiry, he had reason to dread a fair representation of it before the king and council. He concluded on that account that prepossession in his favour was absolutely expedient; that the distresses to which he had reduced the people might be less likely to plead their excuse and produce his condemnation.

The result of this consideration was the ill-timed affectation of fear for his life, which the conduct of the people, since the riot, had proved to be in no danger. This plan being concerted among the most notorious, he and some of the jurats, with his brother, fled to the castle, in search of that safety which had never been in danger. The states were convened, and consultations repeatedly held on that critical occasion. At length he declared, there was an inevitable obligation, for their security, that he should go to England. One of the representatives of the people expostulated on the needlessness of that measure; and declared, that they had it in their own power to reduce every thing to its former tranquillity, without exposing their conduct to his majesty and his ministers. This salutary advice was rejected. It coincided not with the views of the Lemprieres. *The states passed an act to confirm the necessity of that voyage; and colonel Ball signed a letter, which he never heard nor read, as he himself declared, that it was necessary for the peace of the island, that troops should be sent to keep the people in awe. There was not an

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* Act of the states, dated at Elizabeth Castle, 6th of October, 1769. Appendix, No. 5.

individual among the states, who voted for the act that was not conscious that the whole which it contained was a falsehood. But this act was to be one of the inducements by which the council was to be invited to believe what the brothers, and their accomplices, should represent: at the same time to carry a further confirmation of what they intended to relate, papers, expressing an association of the islanders to support the jurisdiction of the isle, were dispatched to the several parishes to be subscribed. This was complied with by the gentlemen of the island. It was not against the jurisdiction that the tumult had been raised, but against the oppressions of the Lemprieres.

Fortified with these approbations, the lieutenant-bailly, with his two confederate jurats, Le Hardy and Pipon, together with the attorney-general, embarked for Southampton, and soon after arrived in London. They laid the affair before the council in the light which they thought proper: and protested, that on the day of the riot, the court sent to the multitude, to know the grievances of which they complained, and that they were ready to redress them. But that the rioters, nevertheless, proceeded in a tumultuous and violent manner to neglect their proposals; and compelled them, by menaces of death, to abrogate the laws which they had made, and enact new ones; and that they were in danger of their lives, without the assistance of a military force to preserve them.

The whole of this relation was a falsity; they neither sent such messages to the people, nor were they in the least danger of being ill-treated by violence. But the people had no agent to represent the truth of things to the council; the states had voted the act before-mentioned, which expresses, that the court could not safely

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continue to exercise their functions, nor establish the public tranquility; the numerous subscription to the paper, for supporting the jurisdiction, was asserted to be an approbation of the conduct of the court; and the servility of those states to the Lemprieres, and the real circumstances of things were unknown to the council. It was for these reasons next to impossible that the ministry could conceive that the chief magistrate of the isle, attended by two jurats, and his majesty's servant, the attorney-general, could dare to attempt so egregious an imposition on their sovereign and his council, and lay before them a fallacious account; and yet, that such it was, can be proved by all of twenty-two thousand persons, who are arrived to the age of giving a legal testimony.

The lieutenant-bailly was consequently considered by the ministry as the father of his country, replete with justice and humanity; and the islanders, as an ungrateful people, who had rebelled against the most laudable of all magistrates. In consequence of this favourable opinion, he received a *letter from lord Weymouth, dated 24th of October, 1769, whilst he was yet in London. In this letter his lordship informs him, that he had laid the affair of the riot before his majesty, who expressed great concern at the riotous and outrageous proceedings of the mob upon this occasion; and gave orders to take the most speedy and essential methods of applying a proper remedy for evils of so dangerous a tendency, by giving immediate orders for protection to the magistrates of Jersey, and restoring them to the quiet and secure discharge of the duties of their office, which these audacious riotors have obliged them to suspend
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* Appendix, No. 6.

by annulling their acts; which are an insult upon his royal authority; and by a very strict enquiry into the rise and progress of those violent attacks upon legal government, that the offenders may be brought to condign punishment.

In order to attain these salutary ends, the lieutenant-bailly was immediately to repair to the island of Jersey, and revive the functions of his office; and that five companies of the royals were ordered to embark at Portsmouth, according to the request of the lieutenant-governor and lieutenant-bailly; which were to be disposed as these two lieutenants should think proper, for restoring proper respect to the magistracy, and due obedience to the laws.

And as the whole state of the matter had been transmitted to the council office, to be laid before the king, that the lieutenant-bailly might have his majesty's orders, in council, relative to the illegal acts which were past; that he will take such methods of making such declarations as the king and council shall make, with regard to the annulling and erasing those acts. And he was immediately to proceed to an enquiry into the authors of these disturbances; and the grounds from which they have dared to proceed to those illegal atrociousnesses; declaring, at the same time, his readiness to receive; and to transmit to lord Weymouth, for his majesty's information, all petitions and complaints, with regard to supposed grievances, which are properly and legally presented. And the king trusted, that by his activity, in the discovery of the real offenders, and his humanity and attention to the deluded and ignorant, whose complaints are to be heard, if decently presented, he will soon restore tranquility and good order, and not find it necessary to detain the detachment

tachment, which the lieutenant-governor was to order back when the lieutenant-bailly thought the purpose for which they were sent was obtained.

At the same time his lordship, in justice to the zeal which both the lieutenant-bailly and the lieutenant-governor had shewn upon this occasion, acquainted them that his majesty was satisfied that they had both acted with attention to the real interest of the people ; and that they had shewn a readiness to receive and transmit to him, for his majesty's information, any representation which they could produce in a proper manner, with regard to the grievances and hardships of which the people complained. His lordship concluded with recommending to them a continuation of the same conduct.

In his return at Winchester this chief magistrate laboured to prepossess the officers with the savage disposition of the islanders, and the danger which might attend their landing ; and by these misrepresentations to prepare the soldiery to convert every incidental circumstance to a premeditated design of quarreling in the islanders, and to destroy the soldiers. And above all things he advised them to land as if they were prepared to meet an enemy.

By some accident, either of wind or tide, the troops under the command of lieutenant-colonel Bentinck, were disembarked on the north side of the island, some miles distant from the town. They landed in boats, without any military observation of descent ; and when the boats came near enough for that purpose, the inhabitants walked into the sea, and brought the officers to land on their shoulders. They contended who should furnish them with horses, without expectation of payment ; and they refreshed the common soldiers with

with drams and cyder. Struck with this hospitable reception, so different from the fictitious relation of their rudeness, which had been given by the lieutenant-bailly, one of the common soldiers cried aloud, are these the men who are described to be such notorious rebels to the king? To this an islander replied, who understood English, that they were the very men who were represented to be such rebels by the lieutenant-bailly.

The islanders could form no apprehensions from two hundred of the English infantry, added to a like number of invalids already in the island. They consist of near two thousand men, well armed; and though probably not so well taught in the vain and fantastical parade of a martinet, are sufficiently disciplined for a day of battle, as fearless as those who were arrived, and in numbers more than a match for them, although they were commanded by lieutenant-colonel Bentinck.

It is very well known that they have often declared, that had their inclinations been alienated from their sovereign, they would not have been held in awe by such a reinforcement of the invalids. In fact, they rejoiced at the arrival of these soldiers. They were convinced that the officers and common men would be soon satisfied how barbarously they had been treated; and, on their return to England, be the means of spreading an account of those hardships which had been laid upon them by the Lemprieres.

In this seductive transaction the lieutenant-bailly was not consentaneous with himself; he represented to administration the danger he incurred in being assassinated by the islanders, and on that account that he had fled the island: and yet set sail before the troops were embarked, and he landed

ed in Jerſey ſome time before they arrived. A conduct which perfectly diſproves the truth of that narration which he gave of his perilous ſituation in the iſland.

This requiſition of forces was politically imagined by the chief magiſtrate. It conveyed an air of truth to the miſrepresentations he had made, relative to the danger of his life, and the diſturbances of the iſland. It imparted a perſuaſion to the people, that he had prevailed in his application to the council; and it gave him importance in the eyes of the iſlanders. If the troops and people ſhould diſagree, the caſtle was ready to receive the chief magiſtrate. The royals, from the ſmallneſs of their number, would have proved to be the firſt oblation to the nefarious deſigns of the brothers; and the iſlanders the ſecond, when freſh reinforcements were ſent from England, to ſuppreſs the infurrection. But one of his moſt inviting intentions in this requeſt of forces, was to preclude the miſſion of commiſſaries, which had hitherto been the method obſerved, when diſcontents aroſe between the magiſtracy and the people. Such commiſſaries, if men of knowledge in the Norman laws of Jerſey; of eſtabliſhed integrity, not to be influenced by money; of known truth, in the representation of things; natives of the realm, and ſubjects loyally diſpoſed to ſupport the dignity of the king, would ſoon have diſcovered the true cauſe of thoſe iſular commotions. They would not have concealed the inſults of a lieutenant-bailly on their royal maſter; nor the oppreſſions of the people, in order to ſcreen and ſecure two deteſtable brothers, whom they knew to be infamouſly guilty; nor dared to have deceived their ſovereign and his miniſters by falſhood and miſrepresentation. A ſingle ſubject, of ſuch a character,

character, authorised by a royal commission, will at all times carry a more prevailing influence on the hearts of the islanders than a thousand soldiers. For subjects who are loyal by principle, need no restraint but acts of justice.

The troops being arrived at the town of St. Helier, they were lodged in the hospital, which was finishing for the poor ; and thus the military which had been causelessly sent to preserve these brothers from the hands of the indigent, whom they had so egregiously oppressed, were by them converted to the instruments of still encreasing the miseries of those who were in want. They were excluded from this hospitable retreat, and the donations of charity were perverted to the purposes of those brothers, who had never manifested a merciful idea.

The Seigneur de Roselle asked an officer of the corps in what manner they landed ? He answered, in boats. But I mean, said the chief magistrate, in what order did you land ? The officer, with a smile, answered ; men, women, dogs, portmantaus, and baggage, promiscuously, as every one could first get in and out, that the boats might be returned for the rest, as fast as possible. The chief magistrate observed, that it was a very imprudent conduct to expose his majesty's forces to be attacked in that manner by the mutinous islanders, who were so greatly inclined to revolt. It must be a strange kind of inclination to revolt, replied the gentleman, when the men waded into the sea to bring us dry on shore ; contended who should lend us their horses ; and treated ourselves and the soldiers with every kind of hospitality. If we had any thing to fear, it was from that generosity with which the common soldiers were entertained with liquor. This conversation conveyed
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no pleasing idea to the &c. seigneur of Roselle; for he had advised a regular and martial landing, because he knew the disposition of his countrymen to receive his majesty's forces with cordiality; and he intended to have represented that reception, as proceeding from fear of forces regularly approaching, and to preclude the idea of its arising from benevolence.

The lieutenant-bailly had so often prevailed in his machinations, and received such returns of favour from presents opportunely made, that he was resolved not to prove delinquent in such motives on all proper occasions. He presented lieutenant-colonel Bentinck with a horse, which was graciously received. Ball was still living, and lieutenant-governor.

It would be singular in any but these Lemprieres and their court to affix the appellation of revolt to every tumult. They would thereby have it believed in England that a riotous opposition to their tyrannies, is a rebellious taking arms against the king; and even the legislative achievement of the old women was represented to the council as a revolt.

The order of king and council was now published in the isle. The absurd acts which were extorted by the populace, were annulled with great judgment; the authority of the court was restored; and a hundred pounds reward was offered for apprehending the leaders of the riot. But the magistrates were not permitted to judge the actions of those whom they had already condemned to the king and council.

The seigneur de Roselle was extremely pleased that his old mode of misrepresentation had again succeeded at the council board. He liked the opinion which was expressed of his conduct; the compliance with his requisition of troops; and the

the confidence which was placed in his justice and humanity. But he was by no means enamoured with the restriction of not trying offenders by their court; nor with the orders of receiving their complaints and petitions, and of transmitting them to the king. For by that measure he was conscious the truth must be disclosed; his deceptions disappear; and resentment for such atrocious imposition, succeed to that confidence, which he had delusively obtained. To avoid an eclairement was therefore the favourite object.

In order to attain that purpose, he related all the parts of the letter, saving that of mercifulness in his majesty; and with a view to impart a pretext of complying with that part, orders were published in the parishes, that if any men had any grievances or petitions to make to his majesty, they should send them to the court for their consideration, before they were transmitted to the king; and he mentioned not a syllable of that order which had been graciously given him to propagate in the letter of lord Weymouth.

The islanders regarded that publication as an artifice proceeding from himself, to ensnare them to address the king; and to convert that application by the considerations of the court, to the destruction of the inhabitants; or, at least, to some method of rendering it ineffectual: and therefore they declined all idea of entering on his proposal.

Such was the consequence which this chief magistrate expected; and this refusal of the people would certainly have been converted to an assertion of the late tumult being causelessly undertaken, since that now his majesty had invited them to petition, they disregarded his gracious condescension, and had not a grievance which they

they had the confidence to offer. And but for an incident which will be shewn immediately, he had succeeded in his design ; and his tyranny, and the enslavement of the people had been permanently established.

The lieutenant-bailly bore with great indignation that restraint from exercising his vengeance. It was too violent to be subdued by his usual hypocrisy. For being asked by a gentleman of the army, why he did not honour them with his company at their ball, he replied, these were no times for taking pleasure. We have had, says he, one revolt before this, and all the offenders were pardoned ; and if the same lenity be now observed, there is an end of all rule and government. If we could hang about thirty or forty of these revolters, I would then give you a ball myself. And these words were not spoken in pleasantry.

The lieutenant-bailly finding that volunteer informers repaired not to his chamber as usual, where like the wooden head at Venice, his own was ready to receive accusations from all who offered them, had it promulgated by his prostituted subministers, through the island, that whoever would bring him information of any of those who were engaged in the riot, their names should be concealed, and never appear in public, nor be called as witnesses on any trial in Jersey. This invitation to secret informations alarmed the people ; each began to fear for himself, and to be suspicious of all others, and one universal distrust prevailed through the island. They knew, that on informations they should be accused by the attorney-general, without evidence, or oath, under the usual mode of being creditably informed that such persons had been guilty of a conduct seditious, menacing, and injurious to the

jurisdiction; that if they did not declare against themselves what the brothers approved, they should be sent to prison, and confined at their mercy on bread and water, till by suffering, and repeated examinations, they were reduced to declare even that which they had not done.

Those who were foremost in obeying this invitation to accuse in secret, were some joiners who were working in the employment of the court, in finishing an hospital for the poor, which had been lately built. On the day of the riot, the populace coming from the country went to this hospital, and insisted that the workmen should accompany them to the cohue. Mr. Luce, a lieutenant of a man of war, was superintendant of the work; and when the populace came into the house, smoaking their pipes, he was apprehensive, lest by some sparks falling on the shavings, which were in great abundance in the rooms, the building might be set on fire. He therefore desired them to leave the place on that account. This they refused, unless the joiners went with them. Mr. Luce then, by a happy conception, in order to get them out of the hospital, said; well then, if it must be so, let us all go together. And having by these means prevented the danger of fire, he locked the door, and let the fellows proceed as they would.

These circumstances being related to the lieutenant-bailly by the informing joiners, he from thence most maliciously took occasion, because Mr. Luce was a lieutenant in the navy, to more than insinuate, in his reports to the council, that the land and sea officers were fomentors of what he called the revolt. For he knew that these gentlemen, on ample conviction, disapproved and condemned his cruelties; and that should any of
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them be called upon to give their evidence on the cause of the tumult, they would most certainly, as most truly, evince that the late and former riots were consecutive of his and his brother's oppressions only. On that account he intended to make them parties in the cause, and damn their testimony before it was given.

I foresee that men of narrow conceptions, who constantly mistake malicious cunning for refined wisdom, will entertain an exalted opinion of the policy of this seigneur de Roselle. But I shall venture to affirm that his parts are not superior to mediocrity; that most men can machinate as effectual methods of conducting and accomplishing their iniquities, where all others are ready to obey their commands. And that his excellence consists not in his superiority of parts, but in his excess of impudence; for among millions who hath the effrontery to attempt such measures as he hath undertaken and completed.

The islanders of Jersey thinking themselves deserted by their sovereign, and exposed to the malignity of the Lemprières, were filled with horror at the apprehensions of their cruelty; but an incident, totally unforeseen, relieved them from their terrors.

At the request of the lieutenant-governor colonel Bentinck was to find that French language, which would adequately express the sense of lieutenant-colonel Ball; and he harangued the militia, who were drawn out on the occasion. He told them that they had proceeded by unjustifiable means, and that the proper method had been by petition to his majesty, who had declared that he was always open to their applications, and ready to redress their grievances. Being thus emancipated from the inhuman laws of Elizabeth, against petitioning

their sovereign, nine out of the twelve parishes, and almost every vintaine separately, in the others, drew and subscribed a petition to the king, and implored redress from his justice. Those in which the brothers dwelt, were the foremost to sign it. The timidity of the viscount, who approved the measure, and damned the subscription of the parish in which he resided, by being absent from their assembly, prevented its being parochially signed.

The petition, being subscribed, was presented to lieutenant-governor Ball, with request that he would transmit it to the throne. The colonel replied, that he would willingly do what they desired, but that he had received a copy of a letter from Lord Weymouth to the lieutenant-bailly, by which the people were ordered to present their petitions through the states to his majesty. At the same time he produced the letter, and gave them the abstract, relative to that particular. The persons who waited on him protested, that till then the islanders had never heard of any such letter; or they should have obeyed the commands of his majesty with cheerfulness and punctuality; but that being well acquainted with the absolute power of the lieutenant-bailly over a majority of the states; the manifold proofs which must appear in their petition against the conduct of him and the attorney-general; and his hardness to omit, misrepresent and falsify, they had waited on him to request his transmitting their petition; but that now they would present it to the states.

Without this accidental intelligence of this gracious regard of the king to the calamities, and imaginary delusion of the ignorant, the whole affair had rested at that point. The people had been persuaded that no attention was to be paid
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to their miseries ; and, probably, in despair, they might have taken arms, and drenched the loyal plains of Jersey with the blood of themselves and the soldiers, who in that light must have appeared assent to authorise and establish the tyranny and cruel transactions of the Lemprieres. But happily that more than seeming intention of those barbarians was providentially disclosed ; and the paternal care of the king revealed to his loyal subjects.

Notwithstanding this revelation of that letter, which he imagined had been communicated to him alone, and had therefore suppressed it, this chief magistrate was determined to pay no regard to the commands of his sovereign ; nor to receive complaints against himself. And such was his power over these servile states, that when the petition was presented to them, and they were requested to transmit it to his majesty, because it was immediately addressed to the king, and not to them for their consideration, which was the order of the bailly's deputy, and not of their sovereign, they refused to receive and transmit it*. And in this audacious manner the seigneur de Roselle, among his &c.'s, erected himself seigneur du Roy, and refused to comply with the commands of the king of Great Britain. And when this atrocious behaviour was objected to Le Hardy, a parish priest, and one of the states, he excused himself by saying, " He much questioned whether the secretary of state had any right to give such orders to the lieutenant-bailly."

The gentlemen of the island insisted to know from the lieutenant-bailly, what were his reasons for not having communicated Lord Weymouth's letter to the islanders, and thereby concealing the

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* Act of the states, 31st of January, 1770. Vide Appendix, No. 7.

goodness of the king from the knowledge of his subjects. With his usual firmness of face he answered, that he considered it as a private letter from one gentleman to another; and that he was not obliged to disclose the contents of it. The insolence of this answer is unexampled.

The islanders were not to be amused with an answer which was so totally refuted by the letter itself.

At the same time Charles Le Geyt at a parish meeting to instruct their representative, declared against the encouragement of men to bring informations in secret to the lieutenant-bailly, upon oath, which were transmitted to the council as depositions made openly in court; because by such means the most loyal subjects of the king might be traduced, without being acquainted with the charge, or allowed the means of refuting the falshood, and exculpating themselves. And he added, that he considered such dark transactions as resembling the damnable maxims of the inquisition; for under such circumstances, the character of every gentleman was at the mercy of the lieutenant-bailly and all his hopes, expectations, and services, might be doomed to perdition by this secret manner of traducing their conduct and fidelity to their sovereign. At the same time, he read the extract of the letter to the parishioner. This was considered as a conduct seditious, menacing, and injurious to the lieutenant-bailly. A consultation was held to commit him to prison, but their hearts failed them.

The letter of lord Weymouth was now read in the states as a private correspondence between the secretary of state and the bailly's deputy. A private correspondence of which lord Weymouth had sent one copy to lord Albemarle and another to the lieutenant-governor, to be communicated to the public. I have not heard, however, that the seigneur de

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Roselle, with all his &c.'s, hath challenged lord Weymouth for this violation of a private correspondence between them. In fact, this secreting of his lordship's letter, was not passed unnoticed by that nobleman.

The lieutenant-bailly received a reprimand from him for his daring to conceal the gracious intentions of his majesty from his people. That check produced the no uncommon effect of baseness mixed with arrogance. He vibrated into the opposite extreme of the latter to that of the former, and in a manner the most abject, endeavoured to apologize for his impudence by his ignorance.

The gracious intentions of the king being made known to the islanders, their hearts were elated with expectations that their miseries would be abolished; and that the Lemprieres, the perpetrators of them, would be removed and disgraced according to their demerits, and the laws of Jersey; and as on occasions incomparably less destructive, it had been frequently done.

The petition being rejected by the states, was transmitted to the king by the hands of a private gentleman, and was graciously received. Lord Albemarle was now convinced of the oppressions of the Lemprieres, and withdrew, with indignation, the receivership from Philip the attorney-general, and resolved it should not be put to farm. This behaviour in his lordship does honour to nobility; and justice against that oppressor was extended as far as he had power to punish his detestable extortions; but none of his other posts were in the disposal of the governor.

The brothers, in dismay, saw their tyranny in immediate danger of being demolished; and imagined there was no other means of sustaining it but by intimidating the people: and recommencing
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their former acts of cruelty. By the letter of lord Weymouth ; and by others also, they were commanded to hear and receive the petitions and complaints of the insular grievances, and to transmit them to the council. They were thereby forbidden to bring offenders to trial before the court, in which they would have sat both as judges and parties offended. On that account they entered on the means of eluding the prohibition of trying persons for offences committed on or before the 28th of September, and yet to punish them for words only, which were spoken in regard to that affair. This was, in fact, a scandalous evasion of the order of king and council, and a contempt of their authority.

Their subministering spies were ordered to their work ; informations were secretly taken in the lieutenant-bailly's chamber ; and the attorney-general, or his habile deputy, were engaged in drawing accusations against persons, for having held a conduct seditious, menacing, and injurious against the jurisdiction, and nine or ten of them were seized and imprisoned for a fortnight, as offenders in the above crimes. They were then enlarged, on bail, and re-examined several times before the court. Of these examinations I shall give an account ; all which are taken from the records of the court, and subscribed by the greffier.

On the 5th of February, 1770, Jean de St. Croix was brought before the court for the above crime, and Edward St. Croix deposed, on oath, that he was obliged, by threats, to go with a number of others, about the 11th of January, to the house of Philip Lempriere, esq; to obtain an abatement of the tythes ; and that some of them had no money to pay them, but that he had ; and that since that time these people have told him that they had heard that he had done well in not pay-

paying his tythes that day; and that if he had that they would have re-visited him either by night or day; and that by way of menace: and that the said John St. Croix was of the number.

Joshua Le Gros depofes, that when the day for paying the tythes of the *vintaine du coin*, was published in St. Laurence's parish, the prisoner advised him to go with the others to the attorney-general's, to request that he would not put them to expences, which he refused; that the prisoner said they had petitioned, and that they hoped to have an abatement; and that they expected news from England; and that the deponent went before the others, and paid his tythes.

In May he was again brought before the court, and Edward Nicolle depofed, that the said St. Croix, with many others, came to Philip Lempriere's house, and on being asked by said Nicolle if they came to pay their tythes, the said St. Croix and some others answered no, neither would they pay them, until his majesty had given orders on that subject, and diminished the tythes according to their petition. Nicolle answered, his majesty had sent ordinances, which were already published, and that they ought to conform to them. And one Edward St. Croix, and some others, answered, that there was no such ordinances from the king published, but papers which the court had made among themselves to blind the people. And that Joshua Le Gros came before these people, and said they were coming like so many devils.

The offences of this man were, first, that he had no money to pay his tythes, which I imagine he was as little pleased with as the farmer-general. The second, that they went to this voracious farmer, to request an abatement of an exorbitant demand; and that Edward St. Croix had heard
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from those who heard it from others, that if he had done what he did not do, that then they would have re-visited him either by night or by day.

The next witness deposes, that this prisoner went to desire the farming attorney-general not to put them to expences, because they were expecting a favourable answer to their petition. And the third, that they would not pay their tythes till they had received an answer to their petition to his majesty; and that they did not believe that the order of king and council was genuine. Edward-St. Croix, one of the witnesses, by the evidence of Nicolle, was one of the foremost in this affair. Joshua Le Gros, who told Nicolle that they were coming like so many devils, says nothing of that circumstance in his own affidavit; and by the deposition of all the witnesses, they behaved in an unexceptionable manner, and did not utter a rude expression against the farmer-general.

The refusal of their tythes was the object of a civil action, which the receiver was at liberty to bring when he pleased: and notwithstanding this, these harmless proceedings are denominated a criminal action, seditious, menacing, and injurious to the judicial powers; and the offender was committed to prison for a fortnight on bread and water, and all those inhabitants who compassionately sent him provisions, were considered as abettors of the revolt, and of that with which he was charged.

On the 7th of February, 1770, Nicholas Arthur was brought before the bench, for having committed the like offence. Philip Le Gresley, fils Philip, deposed, that since the 28th of September, on meeting the prisoner, the latter
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accosted him in these words, "see what great trouble we have in the isle, God restore us good justice;" and that since that time he hath seen the prisoner several times at his house. He was then asked, if he knew of any conversation which the prisoner had had; and whether he was alone with him or with others. To this he answered, that the prisoner one day in mounting his horse, in presence of him and Peter Le Feuvre, had said, I would gladly have the skin of one of these bougres. And on another day, he said to the same parties, that on the day of the revolt he had poked Peter Hammon with his stick.

On the 18th of June he was again brought before the court, when Judith le Feuvre deposed, that the said Arthur said, that the lieutenant-bailly and the jurats had no reason to go to England; and that by these means, instead of mending they had made things worse. That he said, the devil was gotten into the people, and that for that reason they would carry their point; and that the magistrates, having for a long time eaten them by bits, would now devour them up in large pieces: and that he added, he had enjoyed no quiet for three preceding nights, having traversed the roads; and if he had met with any one he knew not what he should have done.

This Arthur, I confess, deserved his punishment; for certainly the wishing that God would restore justice to the isle was seditious, menacing and injurious to the jurisdiction of these magistrates. And when he wished for the skin of one of the bougres, it is plain the brothers consciously applied it to one of themselves; for the prisoner mentioned no man's name. That by going to England they had made things worse than they were, was certainly a reflection on their conduct, which

which includes the whole charge; that the devil was got into the people, and that the magistrates would devour them wholesale, were certainly sedition, menace and injury to the jurisdiction; for it was a slander on their conduct, as if their old friend Satan had deserted their cause and gone over to the people. And lastly, he ought to have been severely chastised for passing three sleepless nights in the highway, because he could not tell what reason he had for it; nor what to do if he was met.

On the 5th of January 1770. Philip Luce, for the same offence, was brought before the magistracy. John Gruchy deposed, that at the house of Philip le Gros he was asked by Luce if he would sign the petition; to which he answered, no; let those that begun finish the work; that he neither had interfered, nor would he concern himself in it. On this the prisoner said; you have no grievances then to represent: the deponent said, no. The prisoner then said, there are a great number of tale-bearers in the parish, and dealers in human flesh. The deponent then said, that it was too late to petition, after publication of the orders of king and council, which he had heard. The prisoner then said, do you believe then that our Messieurs have been with the king and council? That the deponent answered, yes; I believe it. The prisoner then said, that they had no more been there than he had; but that he feared nothing on that account. That he had his tongue to defend himself, and his body to answer for what he might speak; that they had a good king, and that his majesty had very bad subjects. Upon this the deponent said, there were good and bad; but that they ought not to be placed in the same rank.

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On the 5th of February, 1770, he was again brought before the court, when Joshua Blampied deposed, that at the assembly of Trinity parish, in consequence of directions which the states had given of their dispositions to take into consideration the propositions which might be made to them, on the subject of their grievances. The prisoner said, they ought to put the cabotel at 40 sous French money; after which the act of parliament ought to be abolished, concerning the money; and that the Messieurs received at the rate of six liards to the sous, and paid at the rate of four.

On the 21st of June, 1770, he was again brought before the court, when Charles de Gruchy deposed, that he knew nothing but that the prisoner the day after the riot, said, in passing by his house, that the people would pull down the houses of those who were not at the riot.

From the evidence of Philip Gruchy it is manifest, that he was an informer in the tale-bearing employment of the brothers, and deemed to minister to the oppressing of the poor; and therefore named a vender of human flesh. I confess, that, to me, there appears neither sedition, menace, nor injury to the Jersey jurisdiction, in all the parts of the conversation between the prisoner and the deponent, until the former expresses his disbelief of the lieutenant-bailly, and his suite of jurats, being admitted to the presence of the king and council. This, indeed, is strongly impregnated with the three preceding accusations. What Charles Lempriere, esq; seigneur de Roselle, de Dillamont, de Savalle, &c. &c. &c. &c. &c. &c. &c. &c. &c. and Philip, his brother, the marmiton attorney-general, with Le Hardy and Pipon, not admitted into the company of George the third, whose orders they have so often despised, and above
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whose authority they have so often placed their own? This was something more than sedition, menace, and injury to the head of the jurisdiction. Was it not a condescension in these &c. Lemprieres to pay the first visit to king George? But to offer some apology for this poor ignorant Philip Luce, he foolishly imagined that the sovereign of Great-Britain and of Jersey was greater than the bailly's deputy; and that his and his companions iniquities were as well known to the king and council as by himself; and therefore that such oppressive caitiffs could never have found admission to the presence of a gracious sovereign. But his majesty and his council, at that time, were not so well informed of their misdeeds as, I hope, they soon will be.

To the preceding circumstance was added another also, which was more than sedition, menace and injury to the head of the jurisdiction. Philip Luce had the impudence to say, they had a good king, which seems to be little less than treason in the opinion of the brothers, and never to be uttered with impunity in Jersey; and that he had bad subjects, which they resentfully took to themselves; not from the imputation of their being bad, but of being subjects, after so many years of unremitted insolence to prove, by their actions, that they do not acknowledge the sovereignty of the king of Great-Britain.

There is certainly much criminality in proposing to reduce the price of wheat; but that of altering the money was little less than open rebellion against Charles Lempriere: for then, peradventure, he could no longer have compelled his tenants to pay one half more than the annual money rent, which is in justice due to him. The circumstance of receiving six liards to the sous, and paying but four, was truly irritating, because it
seems

seems it was true. After long and deliberate consideration, and I hope without any partiality to the brothers, I cannot but allow that the bailly's deputy, considering the high indignity and affront which have been shewn to that said chief magistrate, hath given a most striking instance of his clemency and humane disposition in not confining Philip Luce in prison, on bread and water, until by the remainder of his life he had expiated his crimes committed against this modest and merciful magistrate.

On the 19th of May, 1770, Amice Vavassor de Durell was charged with the same crime, and brought before the court. Charles Gruchy, and Joshua Le Sueur, were called as witnesses. They deposed that they knew nothing of the charge against the prisoner. Francis Le Sueur deposed, that he knew nothing against the prisoner, but that he had heard from others, that the accused had been in the neighbourhood of his house, and said that there were certain persons who were to be seized and sent to the castle; but he never heard for what cause the prisoner had so said.

Hence it appears that this man who was confined a fortnight in prison, and then enlarged on bail, had not a witness to be produced against him. What was deposed was on hearsay. No persons were named who were to be confined in the castle; and those who were supposed to be meant by that expression, were none of the court, but such gentlemen as had opposed the measures of the brothers. These were the causes on which this man was seized and imprisoned: and even after this trial, where no testimony was given against him, he was not acquitted; but held under bail, till farther enquiry could be made; and to keep him under the apprehension of a fine, or
some

some other punishment, for that seditious, menacing, and injurious conduct against the jurisdiction, which consisted in having neither said nor done any thing which could possibly be offensive.

On the 5th of January, 1770, Francis Le Boutillier, accused of the same crime, was brought before the court. Philip Le Couteur deposed, that some time after the revolt, the prisoner was at his house, when they entered into conversation concerning the price which was fixed on the rent corn, and the deponent said that the affair was accommodated; that provisions were prohibited from being exported, and that the people ought to be quiet on that account. To this the prisoner replied, that the people would not pay more than forty sous per cabotel, and if they did it would be the cause of bloodshed.

The witness was then asked, if the prisoner had been engaged in promoting the meetings of the parishioners, without the knowledge of the constable. He answered, he had heard so. He was then asked, if he saw the prisoner at the parish assembly, on the first of October, when they were engaged in signing an association to support the jurisdiction; and in what manner he behaved. He answered, that the prisoner was there, accompanied with many others, who contended to take by force from the hands of the deponent, Peter Gruchy, and Clement Hotton, who had signed that association; and that they succeeded, and made them, by violence and menaces, go into the public house of Joshua Lempriere, to oblige them to erase their names. And he hath since heard, that they did erase them; and that they said among themselves, that the deponent, who is a centenier of the parish of St. John, had done well not to go in along with them, and
if

if he had, he would not have gone out alive ; but that he did not see the prisoner lay his hands on any person.

On the 9th of June, 1770, the prisoner was again brought before the bench, and Philip Nicole deposed much what the former evidence had said ; and that they obliged Gruchy and Hotton to erase their names ; but that he did not observe Le Boutillier to be more active than the others : and he added, they were a number of poor ignorant people, who knew not what they would have them sign, and demanded a copy of it. That since that time he had seen the prisoner at several parish assemblies, in which he behaved with decency, except that in one of them he heard it said to the prisoner, that the poor people had been so worried, that they had nothing left ; and that all things should be softened that the poor might live.

Peter Boutillier deposed much the same, and added, that about one o'clock in the morning, the prisoner, accompanied with Nicholas Giffard, was at the deponent's, and told him they were come as friends, to acquaint him that those who signed the association ought to take care of themselves, because there were great numbers of the parish of St. Laurence, who were near St. John's church ; and that those who had signed had reason to fear. That this frightened the deponent's wife in such a manner, that she obliged him to go to the constable and erase his name.

The design of this association, which was the cause of this seditious conduct, has been already related. They consisted of a number of ignorant people, who could not read ; and who required a copy of what they were to sign. The centenier refused them that copy, because he

knew that when it was read they would not put their marks to it. This centenier was one of the officious sub-ministers to the oppressions of the brothers, and had obtained the signs of Gruchy and Hotton, without knowing to what they placed them. When they knew it by Boutillier, they resolved that their signs should not appear to it; and this Le Couteur, the centenier, the instrument, and the witness, withheld them from returning to the public house to effect their design. The evidence consists of manifest contradictions. He says that Le Boutillier contended to take Gruchy and Hotton by force from his hands, and that by menaces and violence they were made to enter a public house, which was open to every one. And yet, that the prisoner, in all this violence, did not lay his hands on any body. This whole affair arose from this very witness. That this is the case is evident from his own deposition; for the force that was used by the prisoner were the words alone which disclosed that secret to those men, who had signed what they could not read; and the real violence was committed by the centenier who restrained those, whom he had no right to withhold. The other part is hearsay, that he had done well not to enter with them, for he would not have come out alive. But why was the person who gave him that report, and whom he must know, not brought to give his own testimony? The affair of placing the rent corn at forty sous, to avoid bloodshed, was a matter of private opinion; although the brothers might resent that any man should presume to lessen their profits by sparing the blood of the people. So far the prisoner may be justified from his accusation. But there is one part of the second deposition which will not afford him an apology, when he

he said the poor people had nothing left; and that all things should be softened that they might live. That declaration was indeed seditious, menacing, and injurious to the jurisdiction; for the bench had sanctified all the oppressive acts of those brothers, who had thus stripped the laborious people to clothe themselves.

The evidence of the last opponent proves that the prisoner, through an act of friendship, came at midnight to warn him of his danger; and that he was fool enough to be frightened by his wife's fears to go and erase his name. Are acts of friendship, sedition, mutiny, and injurious to the court? From hence is it not manifest, that Boutillier was imprisoned for his daring to say that mercy should take place, because every one ought to live, which is an action criminal in Jersey?

On the 26th of April, 1770, John Hamon was presented to the court for the same crimes. Against him there was no witness; but the dread of a long imprisonment, extorted his own evidence against himself, which was the following: That the day after the revolt, several inhabitants of the vintaine, *des coin es batans*, in the parish of St. Laurence, called on him to go with them to the house of Philip Lempriere, esq; to pay the tythes of their labour, which he accordingly did. But that the said Lempriere refused to receive their tythes. At some time after, his agents made a new publication for their payment, and that some of the people desired Lempriere to wait a month longer, because they hoped they should have an abatement of their tythes; and added, that several paid their tythes without difficulty. This was the support of the preceding charge against this person, for which he had been imprisoned

soned for a fortnight, and was not at this time acquitted, but enlarged on bail.

On the 3d of February, 1770, Philip Alexander was brought to the court, accused of the same crime. John Lempriere deposed, that he was at this Alexander's, when a woman came in, whom he knew not, and asked the said Alexander whether he had mended her shoes. To which he answered no. She asked him what he had been doing. Alexander answered, that they had held a meeting in the last night, and that they were to have another in the succeeding evening, to draw up petitions; and that in case there was another revolt, addressing himself to the deponent, that he, Alexander, should be constrained to go at the head of them: and that if he, and such as he would not act, they would destroy their effects; saying, at the same time, that men ought to live, and let live, and if the price was fixed at sixteen livres, Jersey currency, the quarter of wheat, that people could build, improve, and pay their rents to those to whom they were due.

He was asked by the prisoner, if what passed between them was not on a conversation that John Lempriere was holding? That the day of the revolt Philip Veudin had been with him, and said that the houses ought to be burned of those who had not accompanied them to the revolt; and that the said Alexander thereupon said, that he would rather lose all he had, and his life, than commit such an action, but that people must follow when they are forced. The deponent answered it was so.

Rachael Alexander deposed in the same manner.

Of all those whose sedition I have hitherto related, I think this of Alexander the cobbler was
the

the most malicious, and most replete with danger to the Jersey jurisdiction. In the first place, he had not mended the woman's shoes, which was certainly a disregard to all order in the state, where every thing was in such want of being mended. In the second, he had been signing a petition to the king of Great Britain, which was seditious, menacing, and injurious to the bailly's deputy. That if there was another tumult he would not go unless he was compelled; and that he would rather lose his life and effects than burn the houses of the inhabitants. If men are so obstinately bent against such transactions, what is become of the power of the Jersey jurisdiction, which delighteth in offenders? That the rents should be moderate, in order to pay their debts which were due to others than the farmer-general; and that people should live, and let live, are certainly reasonable against the conduct of the Lemprieres. For crimes like these, a man of a name so formidable as that of Alexander, deserved to be most severely and signally punished; and yet these merciful magistrates were satisfied for such heinous offences with a fortnight's imprisonment, and discharging him out on bail, to expect a farther penalty.

On the 5th of February, 1770, Clement Gallichan was brought into court, accused of the same crime. Elias Le Maitre deposed, that at a parish assembly, on November the 2d, 1769, in order to sign an association to sustain the jurisdiction, when the constable proposed the said association, that the prisoner declared he would acknowledge the jurisdiction, when there should be a good one; and if there was any thing in agitation to sign, that rent corn should be at thirty-six sous per cabotel, he was ready to put his hand.

Joshua Blampied deposed, that the prisoner said after the assembly, that the rent ought to be put at forty sous the cabotel. It could not be less than a fortnight's imprisonment, with an apprehension of future punishment, for a crime so atrociously seditious as that of not signing an association in support of a jurisdiction, so equitable as that of Jersey must appear, from the facts which are already stated.

Besides these there were various others, with which it is needless to encrease a catalogue, already too long. I have not purposely selected the least culpable, because when these which are most so will answer every honest intention, it would be ridiculous to act in a manner, that, by exhibiting the least offensive, lays a writer open to the accusation of being partial in the cause he endeavours to support.

I shall now proceed to him, who by the court was considered as the most criminal in all those crimes.

On the 26th of January, 1770, Mr. Thomas James Gruchy was seized and imprisoned for having read the following paper in the parish of the Trinity, and accused in the same manner with the former.

To suppress all revolts, and to establish a union in the island. That the jurats, constables, centiniers, and all other elective officers be annually chosen by ballot. This being done, the people at the end of the year, may refuse to re-elect those who have not been agreeable to them, and re-elect those who have served them agreeably. The lives and the effects of peaceful subjects would not then be exposed, as they have been, and are at present; and the people would have no grounds to murmur. The present constitution hath sub-

sisted

sisted many centuries. We have had two insurrections in thirty-nine years, it is true, indeed, without bloodshed; but God preserve us from a third. As loyal subjects to the king of England we have a right to hope the same privileges which he gives to his other subjects. There is not a place in all the king's dominions where persons are elected for life, except in this island. In Old England, they are chosen once in seven years. In New England they are annually elected; and wherefore shall we be the sole subjects of the king of England exempted from such privileges? When persons are elected but for a certain time, that keeps them subject to the people. The constitution is sustained by the people; and the people by those whom they elect. One sustains the other, and renders the fabric strong, and not to be shaken, without the necessity of having recourse to the military force. When a constitution cannot support itself without a military power, it is of no value; it ought to be deserted, and another composed which will sustain itself. Elections for life give such powers to the elected, by their great influence, that those who are chosen in the place of those who die are mere formalities. The people having lost their rights of giving their votes to those whom they wish to elect; and being in general poor, and that which they have in the island in the hands of the elected, those who are already chosen nominate the persons they would have to be the people's choice; and the latter acquiesce, through fear of having their effects exposed to the resentment of those whom they have chosen, and who are the principal members of the states, and the court of judicature. Things being so, the people are under a government more arbitrary than the French. The French have written laws; but in

this isle there are none. Persons elected for life have all the power, and can impose upon the people whatever they may think convenient. These are the things which excite murmurs and insurrections. The people, finding the yoke so heavy, are willing to shake it off at any rate. Then, is there not reason to fear, that, should we have the misfortune to have a third revolt, a third part of the inhabitants may be assassinated and burnt in their houses? To remedy that inconveniency, and to re-unite the people, free as the English, and to leave no place for murmur and tumult, on this account, praying, with all humility, the states and the honourable colonel Bentinck, to represent these their complaints to our good king; and when his majesty shall have bestowed on us that grace, all our other grievances may be shewn before those who will be newly elected, and we shall have no more accusation to trouble his majesty with complaints of such black crimes, occasioned by a constitution too arbitrary on the people. This is all the wholesome advice that I am able to give to my country, for the security of the life and effects of the gentlemen who are elected, and of the people.

Mr. Gruchy had given no copy of this paper to any person; but the dread of a long imprisonment, on bread and water, as a torture to press it from him, prevailed on him to afford them this testimony against himself, conjointly with the persuasion that it contained nothing illegal.

On the third of February 1770, he was again brought before the magistrates; and Francis Gruchy, a witness, was asked, if Mr. Gruchy, on the 30th of September, or on some other day, did not say to him, if our gentlemen and the people do not compromise matters, it is not their effects but their

their lives that the latter have an inclination to take ; and the gentlemen ought to give way. To this the deponent's answer was, yes.

Philip Botcher declared, that some time since, the said Gruchy told him, that the gentlemen were afraid, and did not sleep at their own houses. To which the deponent said, Cannot the people find their houses as well as they have done mine ? To this Gruchy replied ; the people would rather lay their hands on their lives than on their houses. That they must be relieved ; that their eyes were opened ; that they knew very well the receiver had farmed his majesty's revenues, such as rents, tythes, fines, for the price of eleven hundred pounds, and the surplus was divided between the lieutenant-bailly, the attorney-general, and the receiver, (meaning Ricard, the nominal receiver).

The remaining part of this evidence and all those of the other witnesses, are more in favour of Gruchy than against him. But I chuse to leave it in its worst light and unassisted by the help of any varnish.

Mr. Gruchy is a gentleman of no inconsiderable estate ; he has also an office for collecting money for Greenwich hospital. He was imprisoned on the 26th of January, 1770, and admitted to bail on the 5th of February. His examination, and that of witnesses against him continued, on court days, for several months ; as did the examination of the witness and the other accused, against themselves : and now, on a true disquisition of the paper which was read, and of the evidence, what is the crime of Mr. Gruchy ? Are the defects of their constitution, the representation of truth, the cause of their grievances, the desire of equal freedom with their fellow-subjects of Great-Britain, the restoring of peace, safety and happiness to the magistracy

magistracy and the people, and the petitioning their sovereign, with all humility, to be punished with imprisonment, and condemnation of supporting a conduct seditious, menacing, and injurious to the jurisdiction? If such circumstances can constitute a criminal act, then is slavery established by law; even the most ignominious of all enslavement, that of being chained by those whom they have elected to execute justice and to maintain truth and freedom.

When Mr. Gruchy declared, that it was better that affairs should be accommodated, than the island should be drenched with the blood of her own progeny, on a third revolt; that the people saw their miseries; and that the gentlemen had better give way; that their lives, and not their property, were what the islanders would chuse to take. Was it not a matter of private conversation, and a salutary advice? And probably such an event would have happened, had the beneficence of his majesty in permitting them to lay their grievances and petitions before him, remained in concealment in the hands of the lieutenant-bailly.

Hence it appears that this gentleman, and many of the others, were held several months on trial; that at every examination the insufficiency of the evidence to answer the purposes of the brothers was known; that this discovery actuated their spies, emissaries, and informers, to seek for other deponents, who would swear more conformably.

Such is the flagitious mode of arraigning, trying, finding guilty, and condemning these subjects. Not a man of them, supposing he had committed any offence, was guilty of a criminal action, according to the laws of Jersey: not one of them was permitted to have an advocate. At the worst, their
deeds

deeds were barely personal; yet they were prosecuted as being guilty of actions, which are punishable with the loss of life or member. They were not arraigned and tried, and then either acquitted or condemned on the same day; and if no witness appeared against them, to be discharged, as in England. They were accused by the attorney-general; compelled to give evidence against themselves; unsustained by that of any other person. Prisoners in Jersey are held in confinement at the will of the court, and on the most nugatory pretences, till witnesses are found, brought to the bar, and remanded to prison as often as they please; and when none appear they are nevertheless frequently confined, and not brought to trial, on the allegation of the attorney-general that his witnesses are absent on a long voyage, in what part of the globe he thinks fit to name. These witnesses, who are said to be absent, are not named, so that no disproof of the assertion can be adduced: and in this manner, when innocent men have been vengefully confined for a long while, they are let out on bail, with the dread of a fine hanging over their heads, after being found guilty on the suggestion of the attorney, and on presumption by the court. By these means also, personal offences are converted into criminal, and all appeal for justice to the throne is rescinded by that damnable charge in laying the action. If the case be too notoriously oppressive to support a sentence of guilt, and the prisoner be found innocent, the laws of Jersey will not allow an action of damages, for loss of liberty, property, or character, against the attorney-general or other officer.

It would be an injustice to the common people of the isle of Jersey, not to remark, that although the dread of ruin by the brothers hath subdued them

them to become informers; yet it appears from their evidence that the terror of their displeasure has not hitherto produced the least inclination to perjury. This is visible in the depositions which are related; except a small slip of the centenier. He, indeed, swears that a person was forced out of his hands by another, who did not lay hands upon any one. Religion is happily in this country, oppressed and harrassed as it has long been by these brothers, superior to the terrors of temporal powers. It has been the sole consolation to which the poor and afflicted have had recourse, till the miseries they felt superseded all other considerations, and they were persuaded, that God and the laws, having given them a right to defend themselves from robbers on the high road, they were justified in preserving their lives by opposing the inhuman oppressions of the plunderers of the poor. Without this influence of piety, with what perjury would the isle have been long since filled? And before this work is completed, it will be shewn that this aversion from false swearing hath continued from the righteousness of the islanders, and not through want of temptation in the magistrates.

With what indignation must every honest man be fired at the effrontery and inhuman tyranny of these brothers. His majesty's secretary of state orders the lieutenant-bailly to receive and transmit the complaints and petitions of the islanders; to abstain from prosecuting the rioters for their tumultuous proceedings on the 28th of September; and to attend with humanity to the deluded and ignorant. All these were most insolently evaded. He defeated the permission to lay their grievances before the king, by the method in which he prescribed their being delivered to the states; and refused to transmit them when they were brought in conformity

formity to the orders of his sovereign. He punished for conversations on the very actions, those whom he was interdicted to judge, for committing them, without transmitting the state of their offences to the king, and of men the most ignorant and deluded. He more than revived the damnable ordinances of Elizabeth, and the tyranny of the Pawlets, by which the islanders were punished for presuming to murmur against the magistrates; for in no instance is the name of a magistrate mentioned, and in several the whole affair is relative to the farmer-general.

Such was the situation of the insular affairs at the death of Colonel Ball; and in that state I shall leave them, untill I have given a candid account of the treatment of these brothers towards the most considerable merchant in the island of Jersey.

C H A P. V.

The Case of NICHOLAS FIOTT, Merchant of Jersey.

THE case which I am now to lay before the world will exhibit a malevolence and injustice for which there exists no precedent upon earth. When I say this, it is not intended to express that no tyrants have, at any time, committed such manifest violences on their subjects; but that no judge, in a civilized country, unsupported by the power of the sovereign, hath in any æra so audaciously presumed to invade the rights of an individual to whom he was appointed to dispense the decrees of justice, nor to infract the laws by which he was to be governed and directed. And when this circumstance is added to the consideration that this chief magistrate is no more than the bailly's deputy of a Norman bailliwick, the whole affair will appear not less than a prodigy in judicial proceedings.

The singularity of the case makes it expedient to trace the cause of this atrocious conduct and injustice from its origin. That every thing may be seen in regular succession, as the brothers advanced from one iniquity to another.

Mr.

Mr. Fiott had placed one of his sons, about eight years old, at school in the country, with a master who had treated him extremely severe. The boy, returning according to custom on the Saturday, the barbarity was accidentally discovered. He was taken from the school; and the affair rested at that point, without intending a judicial cognizance of it. At this time the Lemprieres and Fiott were on a footing of friendship, as far as men of such horrible dispositions, as these brothers possess, are susceptible of that quality.

Philip, the attorney-general, had heard of this treatment of Mr. Fiott's son; and meeting the father, he asked him concerning it, and whether he intended to suffer such cruelty to rest without being legally chastised. Mr. Fiott said, he had no intentions to prosecute the school-master. On this reply Philip, the humane Philip, upbraided him with his disregard to the sufferings of his son, and added, as it was a cruel case, the school-master must be prosecuted, rather than such inhumanity should go unpunished. In fact, there was a fine to be imposed, if the school-master was found guilty. That consequence the farming attorney-general considered as certain. The father considered this as a reflexion on his paternal tenderness, and said; if you are resolved to prosecute him, I will join you.

As suits in law can be deferred to almost any length in Jersey, the school-master postponed the day of trial till after the time that Mr. Fiott accompanied *colonel Forrester to the place in which the French prisoners were confined. Touched with a due sense of the sufferings of these unhappy captives,

* Vide Forrester's affidavit, appendix, No. 2.

captives, he exclaimed against the barbarity of Philip Lempriere. He exerted himself to obtain some relief to their miseries, and was one of those persons who deposed that colonel Forrester had applied to the court, in the manner already related. This compassion to men who were treated in that cruel manner, was an unpardonable crime in the eyes of the brothers; for whoever was actuated by the sensations of human kindness, and censured their brutality, was considered as their foe.

In consequence of this event, the Lemprieres and Fiott were no longer friends; and when the trial came on before the court, the evidence of a niece was objected to, who lived in the house of Mr. Fiott, and was a witness of the inhuman treatment which his son had received. Mr. Noimont, one of the jurats, spoke against this recusation of the witness, and asked if his house were robbed, whether they would refuse the testimony of his family, and not prosecute the thief. Notwithstanding this recusation of that evidence, the servant maid of the school-master, on cross examination, deposed, that her mistress had anointed the child's back, and that he kept his bed. It is not to be doubted but according to the laws of Jersey exceptions may be made against witnesses; we shall see in what manner the same magistrate behaved on similar cases which regarded himself.

The cause was carried against Mr. Fiott. Irritated by this seduction of the attorney-general to begin a cause on that very subject, and that evidence, and to be thus deluded in the end, he demanded to appeal from the decision in Jersey to king and council. This was denied. He then applied from their judgment by petition of do-
leance,

leance, and the court of Jersey were ordered by king and council to give their answer. This order the court neglected to comply with, for they are paramount to king and council. Mr. Fiott two or three years after was in London. There was no answer then given: and as the school-master had quitted the island, he discontinued the suit, and desired his solicitor to withdraw the doleance in 1762.

In the year 1754, or 1755, Mr. Fiott purchased an estate from the lieutenant-bailly. The manner of selling estates in that country, as it hath been already related, is at so much corn rent per vergé; payable for ever, unless they are discharged by assignment of other rents, or purchased by money. Mr. Fiott agreed to give a quarter of wheat, annual rent, for every vergé. Seventy of these vergés were to be paid for by the assignment of other rents, and sixty-five to be purchased thereafter, at three hundred livres a quarter; and this agreement was stipulated between the parties, under the hand of madam de Roselle, by whom the estate became the property of Charles Lempriere, esq; and he the seigneur of that fief. With this money it was that the lieutenant-bailly was enabled to become partner in the Nancy privateer, which proved to be the cause of so long a contest; and Charles Lempriere was not a little obliged to Mr. Fiott for his having purchased that estate, on the preceding account.

When the sale of the estate was agreed on, Mr. Fiott confided in the old pretended measurement, which was said to be in the hands of madam de Roselle. Mr. Fiott had at that time no suspicion that even Lempriere, a chief magistrate, would commit so base an action as to deliver a fallacious measurement; and he agreed to accept it as the right copy of that which they pretend-

ed to possess; and which was given in the hand writing of madam de Roselle, who declared that it was a true copy. In this manner the affair rested, and Mr. Fiott paid the annual rent corn according to that measurement.

As some part of this estate lay near the house of Mr. Durel, the viscount, he requested Mr. Fiott to sell him that part, to which the latter agreed. He asked the viscount whether he would take it according to the measurement of madam de Roselle, or have it measured. Mr. Durel preferred the latter. This diffidence of the viscount disclosed the iniquity of this honest pair, and these fields were found to be less, than they were rated in the measurement, by half a verge.

Fiott, on this discovery, ordered the whole lands to be measured by the most skillful and sworn measurer in the island, who under his hand declared, that the estate contained four verges and a half less than the seigneur de Roselle's account; and these were in value about one hundred and ten pounds sterling; and this measure Fiott delivered to madam Roselle.

Had the account of verges which madam de Roselle gave to Mr. Fiott, been taken from an old measurement in writing, the producing of the latter would have proved, either that the original had been followed in the transcript, or that it had not. The former would have justified their integrity, and that they were misled by an erroneous account. But as a deviation from the original in the copy, would have evinced the contrary, it would have been extremely injudicious to give that testimony against themselves. This old measurement, however, was never produced, and my readers are left to determine the reason of it.

There

There was another unlucky circumstance which attended the re-measuring of this land. Either this lovely pair, or chance, had very kindly placed all the excess of measure in places the best disposed to conceal the real quantity from the sight. Grounds where all the boundaries cannot be seen at the same time, are places in which the eye can least form a judgment of the contents in space. One part planted with oak, which was given as four, measured but three vergés; and another as two and a half but of two vergés. The rest of the overcharges were distributed with equal discretion.

Whoever will reflect on the cases of Le Riche, concerning the compart, and that of Philip Jean, relative to the few cabotels of rent wheat, may incline to believe that the heart of the lieutenant-bailly was more concerned in this transgression than the operations of casualty. Notwithstanding this discovery, the chief magistrate sat on the bench of justice with all the confidence of untainted probity. The jurats obeyed as faithfully as ever; and his power over the islanders, and their dread of him, became greater in proportion, as he stretched his darings beyond the rules of honesty.

On the disclosure of this fallacious measurement, Mr. Fiott applied to the lieutenant-bailly; desired that the error might be corrected; and four quarters and a half, corn rent, be deducted, in consequence of this deficiency in territorial quantity. The lieutenant-bailly agreed that the land should be measured; and that if it then proved to be more than the quantity for which it was sold, that Mr. Fiott should pay for it; and if less, that the over charge should be deducted. This stipulation bore the specious face of honesty. But there is this eternal distinction between real

and apparent integrity; the former is uniformly endeavouring to attain those proofs, which must ascertain the truth; the latter to evade, by illusive arts, all approaches to a definitive decision. Mr. Fiott urged the settlement of this affair; the seigneur de Roselle as sedulously avoided it. During this time the ancient measurement was called for, but it never appeared. The consequence of this discovery is what is too common. The chief magistrate, instead of inflicting a punishment on himself, through shame of having committed an act so atrociously flagitious, detested Mr. Fiott for this revelation; and heartily wished him hanged for doing justice to himself. However, as his life was not legally in that magistrate's power, he was resolved that Mr. Fiott should feel his resentment in his property.

The lieutenant-bailly knew his own intentions. He foresaw that this affair would be brought before the court. Appeals were to be denied, and doleances stigmatised with still more odium, and rendered more difficult and expensive. He applied, therefore, to the council, in order to obtain a prohibition of making petitions of doleances; or, at least, of farther incumbering such applications with something like an interdict.

During these transactions the two brothers had been concerned with Mr. Fiott, and some others, in a privateer called the *Charming Nancy*. She proved successful in her cruises, and being rendered unfit for farther service, it was agreed to rebuild her; and to that intent Fiott had been at Southampton, to superintend that operation. This being accomplished, he returned to Jersey. In the original agreement it was stipulated, that the partners should be armators, or ship's husbands, in rotation: and at their quitting

ring that charge, they were to give in their accounts. The farming attorney-general, and Mr. Villeneuve, were armators of the privateer. The seamen, who had behaved gallantly, and taken so many prizes, were neither paid their wages, nor their dividends of the captures. They were loud in their complaints, and required their rights. The farmer-general refused to pay them; and this Mr. Fiott considered as unjust treatment. He went to Villeneuve to know the reason. He was answered, that when the attorney-general would give him any money he would pay the men. The lieutenant-bailly was present, and Fiott expressed himself not very respectful of this behaviour of his farming brother.

This Philip Lempriere having exceeded his time in the charge of armator, and having treated the brave seamen in the preceding manner, Fiott determined to claim his right of succeeding to that charge; and required the former to give up his place, and to give in his accounts. To both these he refused his compliance. Applications were frequently made to him, which produced no effect. The brothers finding this perseverance of Fiott, resolved to be disembarassed of his company: and in order to effectuate this event, they determined to avail themselves of their power over the conscientious jurats, and to free themselves from legal obligation by that method which they call law.

In consequence of this resolution, Mr. Fiott was summoned to be present in court, on the 16th of January, 1762, relative to the sale of the privateer. The next morning he waited on the lieutenant-bailly at his chamber, and expostulated with him on the illegality of such a procedure; and the chief magistrate promised that no farther steps should be taken till the owners had another

meeting. Fiott confiding on this promise, neglected to retain an advocate, or to attend the court.

The court being met, Mr. Fiott accidentally heard in the market, that the attorney-general had moved for an act to sell the Nancy privateer. On this intelligence he hastened into the court-house, and said to the greffier, he heard they were making an act to sell the Nancy. The attorney-general answered yes, they were, and that the sale would be on the Friday following. By this presumptuous answer, it is manifest that the brothers were assured that every act however inequitable which they demanded would be inevitably passed by the jurats.

Mr. Fiott objected to the act and the sale, and insisted on the promise which the lieutenant-bailly had made him that very morning. He then asked, by what right he could propose an act for the sale of a ship, of which he had never given him the possession? And what authority they had to dispose of his property without his consent? And then addressing himself to the bench, he said, gentlemen, shall the caprice of Mr. Lempriere have the power of forcing my right from me? The court then asked, why he had not been present to oppose it? And then Fiott, turning to the lieutenant-bailly, said, sir, after the conversation which passed between us this morning, I little suspected that an act of this kind would have been this day attempted. To this the chief magistrate replied, I have said that one of the partners demanded time to write to Guernsey and England, but that the attorney-general had insisted on her being sold on Friday. Fiott answered, that a ship of that value could not be sold in that island for her worth, on so short a notice. Hence it appears that this attorney-general
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of the king, possesses a greater power than his master in Jersey; and it is no ill-natured suggestion to alledge, that the lieutenant-bailly had given Mr. Fiott the preceding promise, in order to prevent his coming to court, and opposing the act for the sale.

Fiott was then asked if he would consent to the sale, if it was deferred till Monday. To this he answered in the negative; as to the sale of their own shares he had no objection. To this he added, let the sale be suspended for fifteen days, and I will then consent to it. The court then asked the attorney-general, if he would agree to it. To which he answered; no. Thus it appears that the will of the attorney-general is the law by which the bench determine of other mens property. This proposition by no means corresponded with the intention of the brothers. The sale was determined on this short notice, to prevent Mr. Fiott's purchasing of the privateer. They knew that by allowing the time which he mentioned, he would have found persons, either in England or in Guernsey, to unite with him in the purchase. And that then if the brothers, and the other partners bought her, the price would be increased on that account. They therefore resolved on selling her so speedily. *The act was then passed for selling the ship on the following Friday, without one dissenting voice of the jurats who were present, nor one blush which pronounced the consciousness of their transgression.

In this transaction, the first iniquity was that of a judicial court assuming a legislative authority; The second, that of making an act expressly contradictory

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* Act of the court, 16th of January, 1762.

tradictory to the laws on the Saturday, to countenance an unlawful sale on the succeeding Friday; The third, of superseding *the orders of the king and council, which declare, that in all causes there shall be allowed two defaults; and three in Admiralty causes, of which this is one. And there are various precedents of sales of ships in which this hath been the practice. In other suits the favourites of this fraternal pair are indulged with as many delays as they like, even to twenty years, when the cause is so notorious that a decision in their disfavour would demonstrate, either by appeal or doleance, the misdeeds of those prostitutes. And lastly, there was no precedent on record among their iniquities, by which any man's property had been sold without his consent. They were, therefore, obliged to violate every legislative, judicial, moral and sacred obligation to perpetrate this deed; and the conscience of the bench retarded not their steps one instant.

Mr. Fiott protested against this act, and demanded an appeal, which the court refused. On this denial of justice, Fiott protested against the act for the sale. He then declared his resolution of appealing by doleance to the throne, and required that this protest should be entered in the act. In this application he succeeded no better than in the former. Such was the inveterate impudence of these brothers in the support of their iniquity. They persisted in their enormities and superseded the positive commands of their original constitutions, the ordinances of Edward the third, Henry the seventh, Elizabeth, and a standing †order of council,

* Orders of council, 33d of Elizabeth.

† Vide appendix, No. 9.

council, 16th of March, 1729, which positively enjoins the registering all parts of processes, and granting copies to either party.

From hence it appears, with what subversion of legal right, by preclusion from appeals, the inhabitants are compelled to seek redress by doleance; and on what account this Charles Lempiere solicited his sovereign and his council to have these difficulties encreased. Mr. Fiott, being in this manner deprived of the privileges of a subject, called on several gentlemen who were present in court to bear witness to the conduct of the bench, on the applications he had made; and the refusals which had been given him.

If the whole of this iniquity be truly estimated, it must appear extraordinary. The authors of it were parties in the suit. They converted themselves into legislators, in order to form an act, on which judicially to deprive a man of his property, in order to sell it to themselves; and they then denied him every means in their power, by which he could legally proceed to seek redress. In what country is there to be found so audacious, or so iniquitous an act, by two brothers, and a gang of scandalous accomplices?

It must be allowed that remorse, which sometimes diversifies the actions, suspends and prevents the pursuits of malevolent perpetrations, hath never interrupted the uniformity of their conduct. Their consciences are not like ill-dyed cloth, which is discovered by being cut; divide them as you will, the blackness is still found alike in the center, as on the surface. Not a thread of all the fabric remains unpenetrated with stygian sable. It is neither the principle, nor practice of this fraternity to gibbet justice in so unskillful a manner, that she may be cut down whilst life remains, and
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recovered; it is their sentence that she hang till she be dead, dead, dead: and they have successfully accomplished their malignity.

Driven from this prostituted court, Mr. Fiott went to the office of Thomas Gruchy, notary public. *A certificate was drawn up of the preceding transactions, and the names of four gentlemen inserted, whom Fiott had called on in court as witnesses to what had passed. It was ordered to be fairly transcribed, in readiness to be signed. It was read to two of the witnesses, who subscribed it. Mr. Fiott had no other resource but in a notary public. The lieutenant-bailly, by an act of the court, previously mentioned, had precluded the authority of taking depositions on oath, without his presence; and he was of a character too finished in that kind, to administer an oath, by which he himself must be found guilty.

This application to the notary was a proceeding by no means corresponding with the views of the brothers. The lieutenant-bailly was conscious that the egregious misdeed which he had committed, was indisputably to be averted from the eyes of the council; because it must carry so strong a testimony of his illegal jurisdiction. He, therefore, exerted every craft to prevent this paper from bearing witness of his wickedness; and this he so far effected, as to prevent its being subscribed as it was intended. Mr. Edward Patriarch, an honest, but a timid man, was one of those whom Fiott had called to witness in the court. He now refused to sign it, although at the same time he acknowledged that it contained nothing but the truth, and that more might have been justly added.

* Vide appendix, No. 10.

added. But in his excuse he said, that he should be certainly ruined if he subjoined his name to that paper. It is easy to suggest from whence this menace proceeded; and it is not improbable that something of that nature would have been attempted. It was signed, however, by two of the number, and it remained in that manner.

The day of sale being now arrived, according to the determination of the unprecedented act above mentioned, thither Mr. Fiott repaired, opposed and protested against the sale of his sixth part, expressly declaring, that he had no objection to the selling their own shares. There was no attention paid to this opposition of their proceedings. The attorney-general bade the officer to proceed in the sale; and she was sold to Thomas Pipon, esq; one of the owners, one of the jurats, and brother-in-law to the Lemprières, who had been a coadjutor in making the act.

The sale being ended, Mr. Fiott applied to the officer who sold the ship; desired a copy of the register of the sale under his own hand; and that he had opposed and protested against the sale of his sixth part. The attorney-general interfered, and said the officer could give no such record, because she was sold in consequence of an act of the royal court. Fiott replied, that such an act offered no reason for that inhibition under the officers hand. The attorney-general answered, that the officer could give no such paper, because the court was present, meaning the lieutenant-bailly and two jurats. Now this bacon-headed counsellor brought an argument against himself; for the court being present, Mr. Fiott had a right to demand a copy; and they by law were obliged to allow it.

Mr.

Mr. Fiott on this occasion also called on some gentlemen present to bear witness of the manner in which he had proceeded. They went to the office of another notary public, whose name was Vibert. *A paper was drawn up, and signed by the witnesses; but as in this paper there was an interlineation, they thought it proper to have it fairly transcribed, and re-signed, and to that intent it was left with the notary. The gentlemen who witnessed this paper were not to be intimidated by the tyranny of the Lemprieres. They would have re-signed it a thousand times, and attested it on oath, but that was impossible, for reasons already assigned.

This circumstance of the narrative of this sale, being left in Vibert's hand, the lieutenant-bailly applied to him before the transcript was made, and bade him be cautious of what he did concerning the royal court. This was understood as a menace of perdition by Vibert. Let the world decide with what view it was intended; when a chief magistrate, in his own cause, had the hardness to give this warning to a notary public, who was perfectly convinced both of his power and his malignity. In consequence of being accosted in this manner, the notary refused to transcribe the paper, or to have any farther concern in the affair. And it was by the singular accident of the paper's lying on the desk that Mr. Fiott saw and secured it.

This outrageous transaction, being thus perpetrated, one general consternation filled the whole island. No man conceived that his estate, or his effects, were his own any longer than the brothers might

* Vide Appendix, No 11.

might chuse to let them remain in their possession. For they concluded, that whatever this pair took a fancy to, would inevitably be doomed by the court to be sold ; and at what price the Lem-prieres should be pleased to give. With this dread they were the more easily transfixed, because they had dared to commit this violence against a merchant, whose circumstances were inferior to very few in the island ; and whose resolution to obtain justice was superior to that of any other person.

Undepressed both by open and insidious practices, Fiott applied by doleance to king and council, concerning the sale of the privateer ; whilst the lieutenant-bailly was employed to invent new methods to preclude the rights of integrity, law and truth. His first design was to give an appearance of litigiousness to Mr. Fiott. He, therefore, revived the cause before the council, which had been ordered long since to be withdrawn, respecting the schoolmaster, without Mr. Fiott's knowledge of the matter ; and retained Mr. Le Briton, a solicitor in London, to defend the part of the pedagogue. And, in order to represent the litigious spirit in the most reprehensible light, a paper was drawn up, in which it was asserted, that when the lad appeared in court, there was not the least mark of violence to be seen. First, this appearance was three weeks after the injury had been done. Secondly, the lad was not examined in any part of his body. And lastly, the lieutenant-bailly signed this paper, as being present at that time in court, although he was actually then in England ; and after his certifying that untruth the jurats subscribed.

So far the seigneur de Roselle was triumphant. But there yet remained another deed to be done,
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In order to obviate the certificate of the last notary public, for although it was not regularly signed, it bore a testimony scarce less valid. He therefore applied to Gruchy, and requested him to make an affidavit relative to Mr. Fiott's manner of having the paper drawn; and which was to impart some favourable circumstance to this worthy magistrate. With this intent, he himself drew up the affidavit, to the truth of which he intended Gruchy should depose; and offered to make him a major in a regiment of the militia, if he would swear to it. The notary read the paper, and rejected the application, because the contents of it were not true. The lieutenant-bailly erased a part of it, and then went to Gruchy's father, who knew not the circumstances of this affair, and persuaded him to apply to his son in that behalf. The son again refused it, and there the affair rested. Had the notary complied with this impious request, and the chief magistrate prevailed to make him a major, every captain in the regiment would have given up their commissions; and by their military laws they could not have been compelled to serve, but in all probability this promise would have proved a counterpart of that which he had given to make Bandinelle the greffier.

Such was the flagrant iniquity of this chief magistrate; and heinous as it is, he will not attempt to disprove the charge. He dares not do it.

Fiott now commenced an action nominally against the attorney-general, to oblige him to settle the accounts of the privateer; altho', in fact, against the lieutenant-bailly, Pipon, the jurat, and the others who were parties in the affair; but the bringing it to a hearing was deferred, by placing it among the
causes

causes nemises. New stratagems were now to be devised, to render the former suit abortive. The brothers knew that Peter Mauger, as an agent, had long been engaged in transacting Mr. Fiott's affairs; and since his advancement to the bar, that he had for that reason been his advocate. This man was therefore either to be seduced, or by menaces driven to desert him, because he would then be left without an advocate, for there was no other who would carry on a cause against them. As the seduction seemed the most eligible, they resolved first to attempt that method.

Mr. Fiott had not the least expectation of receiving justice from the royal court of Jersey. The commencing of the action was only preparatory to an application to king and council; because by their ordinances and laws, every suit must be determined in Jersey, before it can be removed before the council board in England.

The cause being near the day of being heard, Mauger declined to appear in court against the brothers. At the same time he promised most faithfully not to plead against Mr. Fiott. This, though a sneaking evasion, was not deemed extraordinary, because it was the general practice of the advocates. But such was the event of things, that Mauger not only paid no regard to his promise, but he appeared in court the advocate of the attorney-general, and even offered to plead what they in Jersey call *peremption d'instance*, similar to a statute of limitation against his late client, although the cause had been deferred to that time, according to his advice.

It was now apparent on what account Mauger had delayed this cause so long, and by whom he had been seduced, while he was engaged in the
affairs

affairs of Fiott. It was certain also, that all those concerns with which he had been entrusted, were, or would be, revealed to the brothers; and that this consideration formed no small motive to the seducing of him. Mr. Fiott stung with this flagrant treachery in Mauger, asked by what means he had been induced to betray him in that manner, after his repeated promises not to undertake the cause of the Lemprieres, and not to plead on either side of the suit.

The lieutenant-bailly seized on this occasion of vindictively pursuing Mr. Fiott, and repeatedly asked Mauger the stimulating question, why he did not demand a legal satisfaction for the injurious words which Fiott had spoken against him. Illustrious instance of an upright judge, thus prompting a renegado to demand a satisfaction for words which his delinquency had so justly provoked; when he should have ordered it to be moved, that this fellow be dismissed from practising at the bar, for the treachery he hath committed, and the breach of that oath which he hath taken.

Justice is due to the devil, and I will not deny it to Mauger. He was convinced that the asking this question by the lieutenant-bailly was not only an exhortation to demand; but an assurance also that ample satisfaction, as the *sieur de Roselle* was pleased to name it, would be given. For he was commander in chief of the judicial militia, who dared not to refuse his orders? Conscious of his guilt, the charge of treachery had pierced the heart of Mauger, and he was seized with a temporary locked jaw, from the wound which he had received. For men do not suddenly arrive to that putrid profound of shamelessness, to which the brothers have long since been sunk.

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The machinations of the fraternity were now perfectly accomplished. They had prevailed on Mauger to desert Fiott; with him they had acquired all the intelligence of his affairs which they desired; and Fiott was in reality left without an advocate. Not a man of them dared, without permission of the brothers, to undertake a cause in which they were concerned. What the event of a suit in their court, under such circumstances must prove, I need not appeal to speculation for an answer. It has been, and shall again be demonstrated by experience.

Mrs. Fiott was at this time extremely ill in a chronical disorder, and beyond all hopes of recovery. Fiott was an affectionate husband, and she was a relation of the lieutenant-bailly. Such being the circumstances of things, the chief magistrate conceived it a favourable opportunity to circumvent Fiott with specious proposals. Affliction sinks the spirits, and induces men to accept such propositions as would be certainly rejected in moments of firmness and freedom from depression.

At this time a gentleman was sent to Mr. Fiott, to propose an accommodation of the contest between him and the lieutenant-bailly; and when he declared that he came at the request of the latter, Fiott waited upon him at his chamber. On his entering the room the seigneur de Roselle affected an air of great sympathetic concern for the distress of Fiott; and of lamentation for the sufferings of his wife, whom he called his cousin, as often as the word could be introduced. "I am told, said he, by my cousin's surgeon, that my cousin cannot long survive the agonies my cousin suffers from her cancered breast; and I should be glad to settle the affairs between us before she dies."

dies." Fiott replied, there was nothing which he so much desired, if he would do him justice. Yes, said Lempriere, I am willing, and we shall make you satisfaction for the privateer, if you will withdraw your petition from before king and council. Fiott then said, the first article to be settled is that of the error in measurement of the land. The lieutenant-bailly answered, he was ready to do it, and madam de Roselle shall come to town. They then had two or three meetings, and in a few days they agreed on the price which should be paid for the share of the Nancy; and that a day should be appointed for signing the agreement, and settling the measurement of the estate which Fiott had purchased from him.

On the day appointed, while advocate Payne was drawing the agreement, which was to fix the price of the privateer, and oblige him to withdraw the doleance, Fiott said to the lieutenant-bailly, you know, sir, the first article of this agreement is, that you shall rectify the mistake in measuring the estate. Let us first finish the affair of the ship, said Lempriere, and we can transact that of the measurement on some future occasion, for madam de Roselle has not been in town since we first talked of the agreement. The consent of this lady was necessary, as the estate was her's before marriage.

Fiott then discerned that the seigneur de Roselle was recurring to his old resource of evasion, and said it seemed very singular that madam de Roselle had not been in town since that time, when he had seen her in it two or three times. Well, well, said the lieutenant-bailly, let us settle this affair of the privateer, and refer the contest of the land to the arbitration of Mauger and Payne, who is your advocate. Mauger was the man,

man, who had so scandalously deserted Fiott, and against whose admission to the office of deputy attorney-general, he remonstrated. Payne was an advocate, who had refused to undertake his cause, through fear of the lieutenant-bailly. By such a reference the case had been left to Lempriere's own decision, with the opinions of two others, to sanctify whatever it might be.

Fiott then asked him how he could make such a proposition. Do you imagine, said he, I will trust my affairs of such consequence to a man, who you are conscious hath betrayed me in open court? Lempriere replied, Fiott ought to be contented, for at that time he told Mauger enough in open court. Had he been an honest man, said Fiott, he certainly would not have pleaded against me. Against me, said Lempriere, he could not plead, for I made him an advocate. Was it on the condition of betraying his clients, that you made him an advocate? said Fiott. I see your intention to deceive me, and nothing shall be done in either affair; and forthwith he left the room.

Norwithstanding this perfidious attempt of the lieutenant-bailly, Fiott frequently applied to him for the settling of their contests; and was as constantly dismissed with evasive answers. Finding therefore that there was no expectation of amicably adjusting the affair, he commenced a suit in law against the seigneur de Roselle and his lady. The cause being brought before the court, Thomas Pipon, advocate for the lieutenant-bailly, insisted that the action was not laid conformable to the customs of Jersey; because it contained a single word that was not rightly explained, and Fiott was non-suited. The lieutenant-bailly sat in his seat on the bench, insidiously acting in his own cause, although a judge delegate was ap-
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pointed, in order that his name might appear, as exercising the office of chief magistrate, when an appeal or doleance was made.

Mr. Fiott's agent then demanded to appeal before the council; but his advocate told him there could be no occasion for such a procedure, because the opinion of the court was not a definitive judgment; and that the present non-suit could not retard the cause longer than a term.

In order, therefore, to avoid the like mistakes for the future, Fiott engaged the advocates Dumaresque and Payne, who formed and drew a fresh action. Payne, however, terrified by the vindictive omnipotence of the lieutenant-bailly, refused to appear in court; and Dumaresque held the same resolution, unless he was permitted by his client to inform the chief magistrate that Fiott insisted on his appearing in his defence, otherwise that he would complain of him to the court. At the same time he added, certainly the lieutenant-bailly will accommodate this affair, and not suffer it to be brought into court. But he was mistaken, Charles Lempriere never feels the stings of remorse, unless it be when he miscarries in his wickedness.

Dumaresque applied to the lieutenant-bailly in the above manner, and that magistrate instantly replied, he was ready to settle the affair, and that the postponing of it was absolutely owing to Fiott's fault. This disposition to an amicable accommodation was related to Fiott. His answer was, "I have been several times deluded and deceived by such assertions; however, that nothing may be wanting on my part, and as you will be the witness of this his declaration, and of my inclination to comply with it, I consent that the prosecution of the cause shall be suspended for a while.

while. After this there was no method of bringing the lieutenant-bailly to the fixing of a day for arbitrating the affair; and in that manner it remained till after the petition of doléance concerning the privateer, was determined by the council.

It was the practice of the attorney-general, when any thing was to be transacted to which he chose his name should not appear, to make Mauger his deputy. But as on every time that Lempriere officiated in court, the deputation ceased, Mauger was always sworn a-new when he resumed it. Philip Lempriere, attorney-general now pretended to leave the island for some time. Mauger was again exalted to the post of deputy attorney-general. Happy island which can produce men so equally adapted to their charge, and substitute a composition of a fiddler and a taylor, to that of a cabin boy, and a marmiton to execute the most important post of judicature in that little government.

The whole power of prosecuting for offences was now lodged in this son of jurisprudential taylorship. And it was generally believed in the island, that besides the intention of rescinding Mr. Fiott of an advocate, and of being informed of his affairs, that he was placed at that time in that office to perpetrate such actions as Philip Lempriere should command; and to which his name should not appear as attorney-general. For during the time in which Mauger officiated, he still remained in Jersey; and seldom attended in the court. This was an artifice similar to the preceding conduct of the lieutenant-bailly, to effect the most pernicious purposes by their own acts and deeds, and to conceal their appearing in them, should they come to be enquired into.

All those who had displeased the lieutenant-bailly or his brother, had reason to dread this man's being situated in that office ; as it is well known that this substitute would hesitate at no deed, however atrocious, which could prove agreeable to either of the brothers ; or suit his own revenge. Contemptible as he was in himself, he became formidable by his situation ; and from his known servility to the Lemprieres, it was apprehended that more mischief might be perpetrated in his person, than even Philip Lempriere himself might openly dare to undertake.

Mr. Fiott was justly alarmed at this incident. He thought himself entitled to object to this man's being made deputy attorney-general at that time ; and the laws of Jersey authorised him to except against that officer on reasonable causes. As he had appealed to king and council, he knew the lieutenant-bailly would omit no occasion, by which his character might be traduced, by any action into which he could be ensnared, and thereby be misrepresented to the council. Fiott therefore desired the court to take into consideration the circumstances of things, as they stood between him and Mauger, before he was sworn into the office of deputy attorney-general, and with a view to justify himself, in objecting to this man, he delivered the following remonstrance.

Nicholas Fiott humbly remonstrates,

That it is upwards of twenty years since your petitioner appointed Peter Mauger his agent, during which time he hath, as such, been entrusted with the management of all his affairs, particularly of his law-suits with Mr. Philip Lempriere, the king's attorney-general. That the said Mauger
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gave his word to your petitioner, that he would not undertake to plead any of the said causes depending between your petitioner and the attorney-general.

That so far from keeping his promise, the said Mauger did plead for the said Lempriere, and even offered to plead prescription, when it was by his delay of the cause, that the remonstrant had not brought the affair to an issue.

That considering the above behaviour of the said Mauger, and for other reasons, your petitioner does not think himself secure in either his public or private concerns, if the said Mauger be permitted to act as deputy to the king's attorney-general, and thereby become the only king's officer in the royal court. Your petitioner therefore prays that the matter may be taken into consideration, and that it be not granted to the said Lempriere to appoint the said Mauger his deputy, untill farther steps be taken in the affair, and your petitioner, as in duty bound, shall ever pray.

The reasons which this remonstrance contains, sufficiently express that the request ought to have been complied with. A magistrate, to whom the character of an upright man was dear, would have prevented an application; and prohibited an advocate, so circumstanced, from appearing in the court against Mr. Fiott, and in favour of himself and brother. But Mauger had been already seduced. To have renounced the advantages which would result from it; to rescind Mr. Fiott even from the oratory and jurisprudential erudition of a taylor, and to leave him destitute of an advocate, formed the laudable motives of their brotherly intentions. And they designed not on this occasion to recede from the uniform practice of their lives.

If the reasons of the remonstrance were not sufficiently coercive to prevail on the court to grant Mr. Fiott's request, certainly the manner and the object of this petition were such, as ought not to have given offence to a court, whose views were equitable. The character of Mauger was not injured by one invective expression; and the objections were founded on circumstances, known to be reasonable by the whole island. The court, however, not only disdained to regard this just application, but the lieutenant-bailly affected to consider this remonstrance as an insult on the character of this taylor, who had purposely delayed to bring on the cause of Fiott, untill he had the face to offer that very delay as an exclusion of its being heard.

But the jurats, like clocks under the direction of their maker, either go or stand still, strike right or wrong, as they are set by the hands of the chief magistrate, and Mauger was instantly sworn into the office of deputy attorney-general. Rapt with the thought, he had never cracked his back-biting foe, with half the joy that he conceived on the defeat of Fiott's remonstrance; and the sound of deputy attorney-general, was sweeter to his left ear, than any which had issued from the catgut of his fiddle, beneath that organ. According to the laws of Jersey, and of common sense, the remonstrance of Mr. Fiott was now at an end. Mauger had received not the least injury to his reputation or his interest; but the lieutenant-bailly was resolved that no possible opportunity should be passed, in which Mr. Fiott could be persecuted; and from the bench he himself commanded that a day should be appointed for the examining into the injury which had been done to

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the character of Mauger. He pulled the strings, and the jurors nodded their consent.

Mr. Dumaresque, an old and timid advocate, who trembled at the sight of the lieutenant-bailly, was the only person on whom Mr. Fiott could prevail to undertake his cause. The seigneur de Roselle resolved that the defendant should not avail himself even of this impotent assistance. The day was appointed for hearing the trial. Mauger could not plead his own cause, because as deputy attorney-general he must draw his conclusions, and name the fine and damages. The lieutenant-bailly therefore named Dumaresque to be stipulating attorney-general. Such is the term in Jersey, when an advocate is occasionally employed in that office, and in such actions as neither the attorney nor his deputy can plead. By that audacious act, Fiott was deprived of his second advocate; and his defence assigned to Mr. Payne, who had refused to be concerned in any action against the brothers. Justice must undoubtedly be administered with righteousness, where the chief magistrate on the bench will dare not only to deprive the suitors of what counsel they have chosen; but assign them such as he selects; who are unwilling to defend the person whose cause they are to support, and who are afraid to utter a syllable in opposition to the party against whom they plead.

Before this time Payne had refused to undertake any cause for Fiott, which was against him or the attorney-general; but the lieutenant-bailly gave him this consolatory exhortation, "that he might say what he thought he might say." After such an inuendo, it is easy to foresee what arguments would be offered by a pleader, who was thus authorised but to leave his client defenceless; and who trembled
before

before the imperious brow of this singular chief magistrate, like an offending negro before his relentless driver.

Dumaresque, though appointed stipulating attorney-general, was not sworn, as it ought to have been done according to the laws of Jersey. He had previously declared, that as the court had paid no regard to Fiott's remonstrance; and as Mauger had been sworn into the office of deputy to Philip Lempriere, that the affair was at an end, and that the court could proceed to no further cognizance of that matter. Fiott, notwithstanding he knew this to be the law of Jersey, was too well acquainted with the lieutenant-bailly to omit any circumstance which might afford him the least ground on which to proceed. He therefore appeared in court; desired to withdraw his remonstrance; and assigned as his reason, that the cause of it no longer subsisted.

The chief magistrate, as deaf to justice, and as venomous as the adder, assumed the place of prosecutor; and without asking the opinion of the jurats, peremptorily declared the remonstrance should not be withdrawn; that the cause should be heard; and the heinous offence committed against Mauger be thoroughly enquired into. On this occasion, among others without number, he violated his express duty in thus delivering his opinion before those of the jurats were asked, and he then demanded theirs. These upright judges were more faithful to the prostitution of integrity, than the needle to the pole; that has some variation; but they constantly point due obedience.

Mr. Fiott then required that this refusal of the court to withdraw his remonstrance, should be registered; and urged the orders of king and council to that purpose. The lieutenant-bailly practically
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acknowledges no king in Jersey, and he refused that lawful request. Fiott then insisted on the registering this refusal. That demand also was treated with equal contempt. This act, including those refusals, Mr. Fiott insisted on being made. The seigneur de Roselle then tauntingly replied, aye, aye, we shall make an act by and by. He had the consciences of the jurats in his hands, and could not only place them like pieces on a chess board, to play them as he pleased, but prevent his opponent from making the most of his game also.

Foreseeing, from this insulting behaviour of the chief magistrate, that his cause was pre-judged; and driven to this extremity, Fiott resolved to avail himself of that right of every subject in Jersey; and to recuse, or except against, those magistrates on the bench, who came within the laws of recusation. He therefore challenged the lieutenant-bailly, John Le Hardy, James Pipon, and John Dumaresque, jurats, and opposed their sitting as judges in that cause; and prayed the court to allow him two days to reduce his reasons into writing, being then unprepared to do it as it ought to be done; having been persuaded that the conduct of the court would not have compelled him to that extremity.

This request was rejected, and he was commanded to give them in writing immediately. Neither the law, nor customs of Jersey, nor precedents adduced for this allowing of that time, nor the justice of the request, had the least effect. Mr. Fiott, therefore, complied with this arbitrary command, and assisted by advocate Payne in tremors, drew them up, and delivered them to the court. To this he was compelled, notwithstanding that on similar occasions the court had

had frequently ordered that the cause should be procrastinated ; and the exceptions delivered in writing into the greffier's office, in order that the opposite party might have an authentic copy. Mr. Fiott's exceptions being delivered, the unrecused jurats determined that the exceptions were frivolous, false, and malicious. This opinion being given, the lieutenant-bailly dictated to Dumaresque the conclusions he should draw, and pronounce to the court.

These consisted of a fine of more than twenty pounds ; to be dismissed from his office of centenier, which he had long held with universal approbation ; and to make the *amende qualifiée*. Of the ignominious nature of this punishment I have already spoken.

These conclusions were so egregiously outrageous, excessive, and unjust, that even Dumaresque exerted the resolution to declare, " this is going too far." Vengeance and despotism are seldom disappointed in finding nefarious instruments to accomplish their acts of cruelty and oppression, although virtue be not unfrequently left to perish without an advocate. Thomas Pipon, a barrister, and nephew to the brothers, prominently stood forth a volunteer, in aid of the perpetration of his uncle's iniquities ; and declared that if Dumaresque conceived the conclusions too severe for his drawing, that he himself would draw them. By this audacious act, he proved himself deserving of this alliance with the Lemprieres ; and that should Philip the attorney-general be taken from his iniquities ; or resign through dread of public disgrace, that there remained another in that family, equal to the perpetrating of every heinous act which the lieutenant-bailly might intend ; and subminister with equal zeal to all his oppressions.

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For this, and other such flagitious instances he has been lately recommended to the post of attorney-general, by Rudolph Bentinck, commander in chief, and his majesty's very special commissioner in Jersey; and for this singular reason, as he declares, in order to quiet the minds of the people. But of the whole transaction of this Alien, I shall give an ample relation in the subsequent part of this publication. In that it will be seen whether he acted as commissioner to the king of Great Britain, or to the lieutenant-bailly of Jersey.

The chief magistrate was resolved to execute his own intentions. He departed from every obligation of his office, and of the nature of that magistracy in Jersey; and most audaciously dictated the conclusions which should be drawn. Dumaresque still objected to them; and declared, that before this time no centenier had ever been dismissed, but for misbehaviour in the execution of his office. And, roused from his supineness by this outrage on the laws, insisted on the illegality of that part of the sentence in particular. This opinion is supported by the customs of the isle, and by the writings of Rouillé and Terrien, which are considered as statutes in that island. Altho' he personated the stimulating attorney-general on that occasion, as he was not sworn into the office, no conclusions could have been legally pronounced, nor can the sentence have been lawful. Had this circumstance been urged at the council-board, a new trial would undoubtedly have been granted; but as the confirmation of an illegal act does not alter the nature of it, may not that event be still granted in a case so singular. Dumaresque had refused to deliver his conclusions; but the omnipotence of the lieutenant-bailly bore down his reluctance,

luctance, and the penalties already mentioned were unwillingly delivered by him, from the dictates of the seigneur de Roselle. And as the lieutenant-bailly had dared to pronounce them, reason, law, and equity, gave way to vengeance and self-interest. The puppets nodded approbation, and the *act was passed.

The *amende qualifiée*, on such a cause, had never before that hour been pronounced in Jersey. To Mr. Fiott it was not more eligible than death. His fellow-subjects had not then considered, that it is the crime, and not the punishment, which renders men infamous; and that such sentences, pronounced for such actions, condemn the judges to perpetual infamy; and operate as an exculpation of those who are thus iniquitously sentenced. Such was the infliction for the exercise of that right, which is indisputably the privilege of every man in Jersey.

Fiott demanded an appeal from that sentence; and to give any bail for his appearing to answer whatever should be the decision of the council. The lieutenant-bailly refused the appeal, and to take any security for his appearance. He declared it to be a criminal case, from which no appeal could lye: and that it was too atrocious to permit of being bailed.

In this place it will be recollected, that no acts are criminal by the laws of Jersey, which do not extend to the taking away of life or limb. That all defamations are personal actions, in which appeals from that court are to be removed before the king and council; and what would be extraordinary but before such magistrates, three of the attorney-general's friends, Philip Huelin, Philip Le Rosigniol, and Amice Huelin, who had been com-

* Act of the court, 25th of February, 1764.

committed to jail for robbery, were on the motion of that farming attorney; and not a month before, admitted to *bail, on bonds of one hundred crowns for each thief, and not a man of them hath ever been brought to trial. To what purpose the money was applied, every person in Jersey can give an account. What power of face must this bailly's deputy possess; who, after a bail for a robbery, so recent, could pronounce that the case of Fiott was notailable: when all that the law requires, according to Rouillé and Terriën, when recusations are causelessly made of judges on the bench, is a fine of ten livres. But the brothers are the law itself, and a damnable code they form.

Mr. Fiott refused to comply with the sentence, and was committed to prison; and one universal astonishment seized the inhabitants of Jersey.

The Lemprieres revelled in the revenge they had taken; and hoped that by this act they should be enabled to represent Fiott as a man rendered infamous in his own country; and blast his character before the council. Although they are men to whom remorse is totally unknown, and this event offered them a favourable opportunity to aid their iniquities, they began to apprehend for themselves; but finding it was now too late to recede; and that more than one half the muddy stream of infamy was already crossed, they resolved to seek their safety on the other shore; and perish in persisting, rather than return to that from which they had departed.

Fiott had already appealed by doléance to king and council, respecting the illegal sale of the Nancy, which was yet unheard. The lieutenant-bailly had failed in his application to Gruchy, the notary public, concerning the affidavit which he had prompted him to make. To damn the man was the

• Act of the court, 28th of January, 1764.

the only method of damning his cause; and assertions of infamy on his character, on evidence taken in secret, or perhaps not taken at all, were to supersede the laws and rectitude of his cause, and he knew also, that as Fiott would appeal by doleance on this sentence, as on the act of sale, that the same slander would avail him in both cases.

Fiott, being thus imprisoned, was visited by every man and woman of family and respect in the island; the brothers, their confederate jurats, and their profligate sub-ministers excepted; and Mr. de la Parelle, whom I have already mentioned, as having felt the vengeance of the brothers for this generous act, hastened to England with a petition of doleance from Fiott; and an order of council was sent for his enlargement on bail.

The lieutenant-bailly, notwithstanding his success in having so far accomplished his designs, was not without his trepidations for the consequence of this transgression, the most outrageous, in all respects, of all the violences which he had committed. He knew, if it were fairly represented at the council-board in England, it must prove impracticable to oppose the just resentment which would ensue. He had depended for support on his former excesses of injustice on the earl of Granville, and old William Sharp; but the present were of a more flagrant kind than had hitherto been brought before the council. On that account he imagined that every effort was to be exerted to obviate the truth of that criminality which they contained.

On former occasions he had been much assisted, in his hair-breadth escapes, by the deficiency of perfect information, in the constitution of Jersey, in the members of the council. The despotic influence which he had acquired, in forming and commanding the states, he imagined, might be brought to his aid,
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and that an approbation of his conduct by the latter would wear the face of his being generally esteemed, and his conduct approved in his own country; and that such an approbation would defeat the justice of those charges, which would be offered by Mr. Fiott to expose his iniquities. In particular instances, the heinousness of the transgression, operates as an evidence in disproof of the commission of it. For, when the idea of uprightness, which attends the character of a chief magistrate, is compared with the immense enormities of which he is accused, the mind naturally concludes that the latter must be groundless, because of the astonishing incredibility, that any man in a judicial capacity can have dared to perpetrate such nefarious actions.

On this improbability the lieutenant-bailly, in part, depended; and he imagined also, that an approbation of his conduct by the states, would most effectually corroborate the former, and place him spotless before the eyes of the council, and demolish every truth which Mr. Fiott could produce of his detestable injustice.

But in order to obtain this approbation of his conduct, some plausible pretext must be invented, on which to found the public acknowledgment of the legislative body. With this intent he obtained a *convention of the states, while Fiott was yet in prison; and therein proposed certain amendments to the then customs, respecting dispossessions, guarantees, heritage, succession, claims of partage, furniture, and for abridging the length of law-suits, all which were of public utility; and that these might be confirmed into permanent laws, they were proposed to be established by an order of king and council.

* Act of the states, 21st of March, 1764.

Charles Lempriere pretended that his health required the use of the Bath waters : and as he was then preparing to set out for England, he had it moved in the states, to desire that he would exert himself to obtain such an order, whilst he was in London ; as this request was to be an act of the states, it was a proper time to procure that sanction of general applause, which he wanted for the purposes above mentioned. And in this manner he proposed the means of being beneficial to his country, for the sake of consecrating the most nefarious deeds of injustice.

The states, therefore, passed an act, as follows :

Monsieur, the lieutenant-bailly, having declared to the states his intention of going to England for the re-establishment of his health ; the states, sensible of the great zeal that the said lieutenant-bailly hath on all occasions shewn, for the service of his majesty, the preservation of the isle, and the public weal ; the assiduity, rectitude, and equity, with which he hath exercised the charge of chief magistrate for several years, have unanimously addressed and authorised him to address himself to his most excellent majesty, to obtain a confirmation of certain articles agreed to by the states, on that day, for the public utility ; and during his abode in London, to be vigilant on all incidents, which can concern the said isle ; and particularly, for the conservation of our privileges and franchises.

Colonel Campbel, commander in chief, was then in England, on leave of absence ; and captain Graham, who was the officer of the highest rank in the island, commanded in his place. He is a gentleman of great merit, but on this occasion did not think fit to oppose an act, which solely

solely related to their own civil polity. It is more than probable, had colonel Campbel been in the island, the seigneur of Roselle, with all his &c.'s, would hardly have dared to solicit the approbation of the states, whilst Fiott was confined; and which offered so equitable a reason for refusing him that applause.

For the truth of this legislative eulogy, I appeal to what has been already said; to the records of their states and court; to the consciences of the islanders; and even to the oaths of those very men who voted this act: and I will venture to assert, that not an individual in the island, at that moment, remained unconvinced that this public commendation contained a most egregious falshood. But there existed no fallacy on earth, which a majority of those states would not have voted, and will not now vote to be a truth, if the seigneur de Roselle commands them.

This act is prefaced with the names of eight of the jurats, six clergymen, ten constables, and one centenier, the last of whom legally acted as a representative of the people in the place of a constable. And if it be considered that a majority of the jurats were enacting their own applause; that the parochial priests were in contest for the Lempriere interest on the next good benefice which might fall; the constables such as he had nominated; and all of them actuated by the terror of his judicial displeasure, it must necessarily follow, that no proposition, however flagitious and untrue, could receive a negative in that assembly. The commander in chief was convinced that every syllable of the act was an errant untruth; but by the ordinances of king and council, it was not of a nature from which he should withhold his consent.

In this manner prepared to justify himself on the singular incredibility of the truth of his ignominious acts, consecrated by the voice of legislative prostitution, he set out for London, to oppose the justest accusations of iniquity, that were ever laid against an offending magistrate.

In this place I shall take the liberty of shewing with what different regards this lieutenant-bailly, and the merchant whom he had imprisoned, were held in that island.

Whilst Fiott was confined, it was thought proper by the inhabitants to certify the character and reputation which he enjoyed among his fellow-subjects; and with that intent a certificate was drawn up to the following effect: and in order to obviate the malevolent misrepresentations, with which they knew the seigneur de Roselle would, and did, represent him to the council. That which immediately follows was drawn and subscribed in London by colonel Forrester, the late commander in chief, on being acquainted with this injury which had been perpetrated against a man, whom he knew to be of estimable character.

These are to certify whomever it may concern, that Nicholas Fiott, of the island of Jersey, is one of the principal merchants and inhabitants of the said island; that during the time I had the honour of being commander in chief in the said island, he not only bore the character of an honest man, but conducted himself in such a manner in his office of centenier of the parish of St. Helier, and in that respect hath merited the esteem of the best people in the island; and upon all occasions shewed his zeal for his majesty's honour and service, and was ever ready to assist me, and the troops under my command, when applied to. Given under my hand, 22d of March, 1764,

James Forrester.

Besides this certificate of the late commander in chief, there were others, to the following effect, subscribed by vast numbers of the most respectable inhabitants. The whole parish of St. Ouen, subscribed, one nephew of the Lemprieres excepted. In the populous town of St. Helier, not more than ten withheld their subscriptions; and the islanders were equally disposed, and thronged unsolicited, to give a like testimony.

We the underwritten principal merchants, and inhabitants of Jersey, certify, that Mr. Nicholas Fiott, who is now actually detained in prison, is one of the principal merchants of this island, who employs as many, or more people in his service, as well by land as by sea, as any other person in the said island; that he has always borne the character of an honest man, as well in his private, as public affairs, and has always supported the interest of the poor; and according to the best of our knowledge, hath acquitted himself honourably of the charge of centenier of the parish of St. Helier, with which he was invested nine years, 29th of February, 1764.

No certificate was ever signed so unanimously, or with such zeal for a worthy subject, so causelessly oppressed. Over these men there was no sinister power to influence their subscriptions. They testified the truth even in the face, and in opposition to the tyrants. And now let me appeal to all those who feel for the dignity of humankind, whether the character of an honest man, and a friend to the poor, be not of infinitely more estimation in the eyes of God and man, than seigneur de Roselle, de Dillamont, de Savalle, and all the &c.'s which the lieutenant-bailly so ostentatiously displays. Hundreds have been fed and clothed, and many have acquired a comfortable

substance for the retirement of old age, with blessings on Fiott, who employed them in his commerce: whilst thousands have been plundered by the brothers, and spent their remaining days in indigence, and invoking the just inflictions of the Almighty on the heads of these fraternal destroyers. And let me ask this seigneur of seigneuries, whether he does verily believe that there are ten independant men in the island, unconnected by delinquency, and unallied by blood or marriage, who will certify his honesty, or compassion for the poor? It is an experiment that he dares not risque. But I will do him justice, and avow he has the means of procuring a like unanimity of the inhabitants. Let him but propose to devote himself to the salvation of his country, and be exalted where Michael, his great grandfather, for similar virtues, was suspended in effigy; and I am persuaded that the justice of the resolution shall be applauded; and his fellow-subjects contend with zeal, who shall be foremost to sign their approbation; and their subscriptions shall prove to be as universal on that event, as those have been to the honesty and charitable dispositions of Fiott. Hence it appears by what different means two men, of characters so directly opposite, may acquire the unanimity and applause of their fellow-subjects.

Notwithstanding Mr. De la Parelle used all possible dispatch, and the council granted Mr. Fiott's enlargement with more expedition than usual, he was nevertheless confined two months in prison.

Charles Lempriere, esq; did not leave the island in search of that health, which was so deservedly dear to his countrymen, till after the enlargement of Fiott. He arrived in London, and presented the act of approbation of his conduct by the states,

states, to great numbers of the privy-council; and William Sharp, the faithful William, assisted in promoting a persuasion, that this act of the servile states, was the universal sense of the island on the commitment of Mr. Fiott. It was now made manifest, that the acts of public utility which were voted at the same time, and to which the chief magistrate was to obtain the orders of king and council, were nothing but lures to attract the commendation of his conduct in the former. They were not presented, and consequently were never intended to be obtained; for the world shall perish before a Lempriere shall perform a disinterested deed of goodness. And that this would be the result, the very states who voted his approbation were perfectly convinced; because the establishment of those matters, would have prevented his iniquitous advantages.

On the 26th of April 1764, the cause which Fiott had commenced against Philip Lempriere, to bring him to account concerning his being armator of the privateer, was brought before the court. It was, in the beginning of the hearing determined, that the suit should be suspended till the petition of doléance, on the sale of the Nancy, should be decided by the council. Fiott readily acquiesced in that decision, on condition of being allowed to protest for the interest of that Money which might be found due to him on closing the account. This justice was denied him. He then required that it should be inserted in the act, that he demanded to be allowed to protest, respecting the interest above-mentioned. This request they were pleased to refuse him also.

The court then, without the least attention to the decision of suspending the cause, proceeded in the hearing of it. The lieutenant-bailly, who had

pretended to exclude himself from sitting in judgment on his own cause, still kept his seat, and acted beyond the duty of his office. He ordered the subsequent words to be erased from the action brought by Fiott; **sans prejudices et objections du dit fleur Fiott contre la vendue du dit corsair.* And this was done at the motion of Thomas Pipon, now made attorney-general, that such expressions would prejudice the cause respecting the sale of the privateer.

Of what materials must this bailly's deputy be formed, who, by the law, is interdicted not only from his official duty, but from being present when his own causes are heard? and yet thus audaciously, under the nomination of a judge-delegate, remained in his seat and openly acted in that capacity? and tho' a defendant in that very suit, he ordered, that part of the plaintiff's writ, to be obliterated, which was essential to be retained? But, was it not his honest intention, when he came to answer the dolence of Fiott, in relation to the sale of the Nancy, to convert the decision of the preceding cause to an assertion in support of his conduct, and to have shewn that the present action being laid in general terms, without exceptions, relative to the former; that the affair was since that petition decided. If this action be compared with others of that magistrate, either that, or some other, not less criminal motive, must manifestly have induced him to this judicial violence.

Had a judge in this kingdom presumed to commit so flagrant an act of injustice and illegality, wherein his interest was not concerned, what would have proved to be the event? and if it sprang from a self-

* From minutes taken in court.

a self-interested origin, would the commons of this realm have abstained from an impeachment, the lords from condemnation, or his majesty from assenting to his punishment? But Charles Lempriere, the bailly's deputy of Jersey, dares to commit any outrage against law and justice, and bids defiance to his sovereign and his authority; and we shall find that a commissioner, destined to examine into his conduct, secretes this heinous conduct from the king and ministry; and labours to screen him from condign punishment.

Fiott protested against the preceding obliteration; and insisted that his cause should remain as he had laid it; and in the same terms with two other acts which had been already made by the court in that suit; and not as the lieutenant-bailly had presumed to alter it. This demand the court refused him. Fiott then demanded an appeal. That was denied him also. He had then no other resource of justice, but that of applying to king and council by doleance. Hence it appears how inequitable it was, and what were the true designs of the Jersey court to procure the sarcasm of odious on the petitioning by doleance. Are the honour and dignity of such miscreant magistrates to be maintained, who, by their unlawful decisions, and insolent refusals of appeal, compel those whom they have injured to aggravated expence? Instead of encumbering the doleant, should not the magistrates be dismissed with infamy from the judgment seat?

In this place it seems necessary to remark, by what seductive means the lieutenant-bailly attempts to impose on the king and council, in causes wherein he is interested. He preserves the appearance of relinquishing his judicial duty, in
such

such trials, where his interest is concerned ; and either Poignestrel, or Le Hardy, is appointed judge delegate. These are his left-hand men ; and his best friends are always at his left elbow. On this occasion Le Hardy was the despicable being who thus servilely subministered to his intentions.

Charles Lempriere, esq; is perfectly acquainted, that this appearance of not being a judge in his own cause, will impart a favourable idea of his impartiality ; because such it must appear, when such causes are brought before king and council, where the name of Charles Lempriere is only seen, as not having acted as a judge.

Yet such is the fact, that in all those instances he remains in his seat on the bench ; and dictates the acts which are made, not only respecting Fiott, but all others in which his interest is concerned.

This behaviour is even more culpable than positively remaining active in judicature. By thus substituting another, he pronounces himself conscious of the injustice and illegality which he commits ; and for that reason secretes his name from appearing as judge, where his actions are a violence on his jurisdictional authority. In this manner, on the bench, he accomplishes his transgression ; and by his answers to the council, avoids the discovery of his crime, and the condemnation of his guiltiness.

The court of Jersey paid no attention to the order of council, which commanded them to give their answer to Fiott's petition of doleance, respecting the sale of the privateer. He was therefore obliged a second time to move the board, that they should return an answer. After a delay of some time it was complied with,

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The cause respecting the sale of the ship, was now to come on before the council. Joseph Sharp, who had been solicitor to Fiott, in the cause against the schoolmaster of Jersey, was now the solicitor against him in that of the privateer. Fiott, on his coming to London, asked Sharp if the court had given their answer to the doleance concerning the schoolmaster, which had lain about two years before the board. He answered, no; and I advise you, as the schoolmaster has left the island, not to proceed in the cause. Fiott said, he was of the same opinion; and as the court had not given their answer, he desired the cause might be withdrawn, and believed that Mr. Sharp had complied with his orders. But the lieutenant-bailly, conscious of the transgression which he had committed in violating the laws in the sale of the *Nancy*, since he had nothing of justice to oppose to the complaint against his illegal proceedings, sought resource from other expedients, and attempted to slander Fiott with litigiousness.

Previous, therefore, to his leaving the island, the lieutenant-bailly determined that this affair of the schoolmaster should afford the means of branding Fiott with that disposition. It was now two years from the time in which Fiott had ordered the cause to be withdrawn. The lieutenant-bailly and the court, on this occasion, drew up their answers, and asserted that when the boy appeared in court, it was evident that he had received no injury. The lad's appearance in court was three weeks after his ill usage: he was not examined where the injury had been done. But what is still more extraordinary, and irreconcilable with the character of an honest man, the chief magistrate signed this answer as an ocular witness of the fact, in Jersey, when at that very time he was actually in England

land ; and many of the jurats subscribed their names subsequent to that atrocious imposition on their understandings, and in violation of the truth. It is difficult to decide whether the effrontery of the former, or the servility of the latter, be the most egregious.

Mr. Fiott was in London, and two days before the cause came on, he was acquainted by Joseph Sharp, who was solicitor in this cause for Fiott, and in the other for Lempriere, that the latter intended to move for dismissing the cause against the schoolmaster. Fiott expected as much to have heard the sound of the last trumpet, and to be summoned to answer at the day of judgment, as to hear any thing of that cause, which he had for several years ordered to be withdrawn by that very Joseph Sharp. His papers relative to that affair were all in Jersey. It is credibly said also, that honest William Sharp had given affidavits made against Fiott secretly in Jersey, before the lieutenant-bailly, traducing his character as a man under the infamous sentence of the *amende qualifiée*, and he disposed the list of causes, so that this of the schoolmaster was immediately to precede that of the privateer. Mr. Le Briton was employed at the expence of the Lemprieres to move for the dismissing of that cause ; I mean at their expence, if they have ever paid him.

The answer of the court to the doleance, respecting the privateer, is replete with such flagrant falsities, as perhaps were never offered before that hour to a sovereign and his council. The first of which only I shall mention ; “ That the lieutenant-bailly is a person who hath executed that office for these thirteen years, with the greatest credit and uprightness, and to the general satisfaction

faction of his superiors, and of the king's subjects here; and hath rendered important services to the island." Reflect one minute on the preceding parts of this narrative; and abstain, if it be possible, from astonishment at the effrontery of this audacious untruth, written by the hand of Charles Lempriere himself; and subscribed by the accomplices of his crimes; then judge of the veracity of the whole answer by this article, and you cannot be deceived in what it contains.

Against the affidavits to the prejudice of Fiott, nothing could be obviated, because they appeared not in the cause. With such a second as William Sharp, to assist at the council the chief magistrate who had committed such enormities in Jersey, it is not surprising that the Lemprieres have been so long uninterrupted in their career of despotism, and contempt of the royal authority.

The cause of the privateer came on with all those preparatory circumstances to counteract its success; and indeed it had been dismissed by the influence of one member, who listened too credulously to those falsties, and Fiott obliged to comply with the terms of the sale which they had made, had not his grace the Duke of Bedford opposed it with firmness and with equity. He said he had been most credibly informed, that justice was dispensed with great arbitrariness in Jersey; and he insisted that those words should be added to the determination, "without injury to Fiott's property." By this equitable interposition, Fiott was restored to his share in that privateer, and at liberty to make the most of it.

The nobleman whom I have just mentioned was one of those who are not the favourites of the populace, and much illiberal aspersion hath been pro-

pronounced against his character. He was slandered as obdurate, and oppressive of the poor, at the very moment in which he was charitably bestowing to the indigent ten times the annual benefactions which are given by all the smooth-spoken nobility of the realm, and by all his calumniators. Warm by temperament, he was a friend or foe in reality. Actuated by honourable sentiments, on occasions, when his imagination was inflamed, he was sometimes precipitately urged to intentions, which in the hour of reflection he disapproved; and these he was withheld from recalling, because it favoured of irresolution and inconstancy. With an excellent understanding, he was not free from being misled by men of more confidence, and less capacity. A husband and a father exemplary. His failings of humanity were mixed with virtues which eminently outweighed them; and by a just comparison of his faults and excellencies, with those of other estimable peers, he was a character laudably pre-eminent.

Uninfluenced by gratitude for past favours, or the expectation of future; for the former I never received and the latter he has not power to bestow, I am convinced that this, at least, is justly due to his memory; and this persuasion will plead my apology for this apostrophe.

The cause of the privateer being thus decided by the council, that of the doléance, respecting the imprisonment, remained to be heard on some distant occasion. Fiott being returned to Jersey, applied to the lieutenant-bailly on the succeeding Saturday, and acquainted him, that he intended to present his majesty's order in council on that day to have it registered. The bailly's deputy modestly replied, he did not know whether the court would take notice of it. The insolence of
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this answer offers to the imagination the imperiousness of a brutal sovereign to his feudal tenant, who had displeased him ; and not the legal orders of a sovereign to a servant so subordinate ; but it has been for almost two centuries the invariable spirit of the Lemprieres to treat their sovereigns with rebellion or contempt. Mr. Fiott replied, if the court will not take notice of his majesty's orders, that I cannot help ; but they shall be presented : and if they are refused, I am not ignorant where to apply, in consequence of it. Craft is characteristic of the seigneur de Roselle ; he was resolved to circumvent Fiott, and to postpone, at least, the recording of his majesty's order. With this view he said, it would be better to accommodate all affairs. To which Fiott answered, had you kept your promise, in relation to the measurement of the estate, you know that every contest had been long since settled ; and the doléance, respecting the Nancy withdrawn. I was at that time ready to comply with our agreement ; I am at present of the same mind. Well, said the lieutenant-bailly, I shall see the owners of the Nancy between this and Monday ; and if we do not agree you will have time enough to present the order of king and council on Saturday next. And, he added, he was uncertain, whether they would now give what they had offered, for Fiott's share of the ship before agreed on. To this it was answered, you may determine as you please ; but I shall accept no less : but the first article of the agreement is, that the error of the measurement be adjusted. I am ready to rectify it, said the seigneur de Roselle ; and, in consequence of this promptness to comply, Fiott did not present the order of council on that day.

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The lieutenant-bailly being in town, Fiott sent Mr. Laurence, his agent, to enquire of him, whether the owners had agreed to the proposal; and if they had, he was ordered to appoint a day for finishing their contests; but he was to consent to nothing, respecting the ship, unless the lieutenant-bailly promised to adjust the measurement of the estate.

Mr. Laurence found him in company with madam de Roselle, and Pipon, his nephew, and said to him, he was come to know if the business, respecting the privateer, was adjusted among the owners; but, previous to that, I am to be certified, whether you agree to settle the measurement of the estate, otherwise I am not to enter on the subject. The lieutenant-bailly answered, he was prepared to settle that affair; that it was Mr. Fiott's fault it had not been already finished; and that he and madam de Roselle had looked out for rents to assign over to Mr. Fiott: My wife is present, she knows I am ready. And this was spoken in the presence of Thomas Pipon, advocate, his nephew. This then was a full confession of the error in the measurement of the estate.

* Laurence, satisfied with this answer, given before witnesses, thought it needless to require him to give it in writing; and they entered on the subject of the privateer. An altercation held them some time, on forty pounds, which the owners insisted on being deducted from the price which had been stipulated; and this, being at length reduced to twenty, Laurence agreed that it should be abated, declaring, he preferred the paying of

* Laurence's affidavit, appendix, No. 16.

the other twenty himself to protracting the conclusion of the suit; and the day of payment was then fixed for the said agreement. The money was accordingly paid, and a receipt given, in full discharge of that demand.

The next time the chief magistrate came to town, Mr. Fiott sent Mr. Laurence to him to fix the day for settling the errors in the measurement of the estate. The delusion which had concealed his conduct was now thrown off; Charles Lempriere stood forth confessed descended from the ancient stock. He cavalierly answered, that he had found an old authentic account of the measure of the estate, and that the deed was past which contained the measure. Among ten thousand men, who are capable of committing an action so atrocious, there is hardly one who is capable of returning such an answer; and that this effrontery was done by the chief minister of justice would appear incredible, were it not confirmed by oath, and other innumerable violations of the sentiments of integrity, in similar cases.

Laurence was astonished at this shameless breach of promise, and debasement of an honest character, in a manner so singularly flagitious. He quitted the room without having power to express more, than that he wished he had not been concerned in that transaction.

This delinquency created no surprise in Fiott; and he only answered, since the event has proved in this manner, I have this advantage, that you are the witness of his breach of promise. The natural consequence of this ignominious conduct was a suit in law; and advocate Dumaresque was ordered by Fiott to commence an action against the seigneur and dame de Roselle.

Causés of this kind can be only heard in the court of heritage; and the custom in Jersey is to give notice to the suitors in the causes, which will be heard by fixing them on a board, which is called the table, and hung at the door of the court-house, five days before the cause is to come on.

On the morning of that day Mr. Laurence went to advocate Dumaresque, to have the cause inserted in the list. Dumaresque peremptorily refused to comply with it, and alledged in his defence, that advocate Payne had assured him, that if he should offer to present the billet to be passed in court, relative to that cause, that there would most certainly be a fine for it.

Irritated by this dastardly desertion of Dumaresque, and conscious from whom, and on what account this menace had been given, Mr. Fiott went to Dumaresque, reprehended him for his flinching from his duty, and assured him that whatever might be the fine, the cause should be inserted in the list. He then embarked for England, and left the conduct of it to Mr. Laurence.

Besides the overplus of measure which had been fallaciously given, there was yet another reason for the seigneur de Roselle's endeavours to evade the settling that affair. The sixty-five vergés remaining unpaid for in money, or uncommuted by other corn rents, were stipulated to be sold, under the hand of madam de Roselle, for three hundred livres a vergé; and as they were then increased in value to almost four hundred, that difference created another disinclination to comply with the contract.

The notoriety of selling an estate by a fallacious measure; the receiving wheat rents for vergés which it did not contain; the refusing to comply with

with a contract under hand ; the disregard to all the obligations of an honest man, were deeds too flagrant to be sanctified by the court of Jersey, even in favour of the lieutenant-bailly ; and, added to this, the certainty that Fiott would appeal by doléance to king and council, were interesting reasons to prevent the cause from being heard. Some device must be therefore found to succeed in the design, to preclude its being exposed in court, and to prevent an application to king and council by doléance.

Mr. Laurence, on the morning that the cause should have come on, said to Dumaresque, as you are eldest advocate, and your causes come on first, I desire you will bring on that of Mr. Fiott as fast as you can, because I have business, on an appointment, at his house in the country. The advocate, in the presence of many people, declared he would not present the billet, or bring on the cause, because advocate Payne had again told him, it would certainly produce a fine if he presented it. Laurence answered, let the fine be what it may, I insist on your presenting the billet, and repaired to court. Notwithstanding this, Dumaresque presented the whole list of his causes, and then sat down. Being asked the reason, he repeated the affair of the fine, with which he had again been threatened. Mr. Laurence insisted, in court, that he should present the billet ; and the advocate obstinately persevered in his non-compliance. Mr. Laurence then said aloud, since the cause is not to be heard, I must attend my business in the country ; and immediately left the court. This was done in the hearing of the attorney-general.

A sufficient time being elapsed for Laurence's leaving the town, Philip Lempriere, the attorney-general,

general, asked Mr. Dumaresque, where is Fiott's billet, and bade him present it; and where is Mr. Laurence? It was answered, that he had left the court; which the attorney-general knew, as he had heard him say he had business in the country. Dumaresque then presented the billet without hesitation, and the messenger which was sent after Laurence, brought word that he was gone into the country. Immediately the attorney-general demanded a *congé du cour*, or that the dismissal of the cause should be given in favour of the lieutenant-bailly. The obedient court complied with that demand; and Dumaresque opposed not a single word to this proceeding.

If the whole of this affair be attentively considered, it contains a perpetration of the most daring iniquity. The advocate was terrified from his duty: and Fiott left without defence. The lieutenant-bailly deemed the being present at this cause, in the seat of judgment, too flagitious; and being resolved to execute something, which it was impossible the council could suffer to be unreserved, if it came before them, he not only quitted the bench but the island, in order to give the semblance of impartiality and disinterestedness; and the faithful Le Hardy was appointed judge delegate, who transacted the whole affair.

The act of dismissal was entered in a fallacious manner; the action was not mentioned, in order to avoid the relation of the conditions of the contract, which were written by madam Roselle; and it was ordered to be lodged in the greffe, or office, which is an interdict to the taking a copy; so that neither appeal nor doléance could be made. Had this single instance of iniquity been known to the council, would it have been possible
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that Charles Lempriere could have remained another day on the seat of judgment in Jersey?

The petition of doléance, which was presented to council by Fiott, when in prison, and in consequence of which he had been enlarged, was consequently transmitted to the lieutenant-bailly, and he and the court were ordered to answer to the charges which it contained. In order, therefore, to place the falsehoods contained in this answer in a true light, it is necessary succinctly to mention the articles contained in that doléance. That the attorney-general appointed Mauger his deputy—That Fiott presented a remonstrance against Mauger's being appointed.—That the lieutenant-bailly and his brother bore resentment against Fiott, because he had been active in favour of the French prisoners, and bearing witness to colonel Forrester's conduct, as well as on the account of the doléance, on the appeal denied, respecting the privateer.—That Dumaresque, the advocate of Fiott, was taken from him by the lieutenant-bailly, who appointed him stipulating attorney-general; and ordered Payne to plead for Fiott, who had formerly refused, and who accepted it then by permission of the lieutenant-bailly.—That Fiott begged leave to withdraw his remonstrance, which was denied.—That Fiott, in consequence of that refusal, recused the lieutenant-bailly, Le Hardy, Pipon and Dumaresque, according to the known laws of the island; and that he desired two days to deliver his exceptions in writing.—That on this proceeding the court condemned him to the *amende qualifiée*, a fine of three hundred livres, money of order, and dismissed him from his post of centenier.—That although Poindestre is mentioned as judge delegate in the sentence, the lieutenant-bailly was present

in his feat, and dictated to him; and suggested the stipulating attorney-general the conclusions he should draw against Fiott.

That his character appeared from the certificates of colonel Forrester, colonel Campbel, and the chief inhabitants of the island, and officers of the land and sea service.—That his confinement was unexampled on such causes, and detrimental to his commerce.—That no affidavits could be made, because that power is denied to all but the lieutenant-bailly, who refused to administer an oath, when colonel Forrester, commander in chief, required it, in the case of the French prisoners; and that he prayed an enlargement on bail, which, as it hath been already shewn, was expeditiously granted.

Such were the articles fairly stated by Fiott; I shall now examine the answer of the lieutenant-bailly and the court.

To the first place they say, “that Fiott was brought before them, and released according to their lordships orders.” This was true, and at that point every syllable of veracity is at an end, of all that is included in their answer. They next assert, “that a body of armed men, said to be a company of militia, whereof the petitioner, Fiott, is captain, went, without orders from the commanding officer of the regiment, and as we conceive, at the said Fiott’s, or his adherents instigation, parading round the town, and through the market-place, with drums beating; and encouraging, by their riotous example, the rest of his majesty’s subjects in the island to mutiny and disorder, in open defiance of his majesty, and his civil government. That this body afterwards repaired behind Fiott’s house, where being harangued by him, they continued assembled for a con-

considerable time, making bonfires, and discharging their arms. Money, as we have been informed, and verily believe, and liquor being distributed among them by Fiott or his agents."

The impudence of this relation to be laid before a sovereign and his council, has scarce a parallel in the world; not a single circumstance of truth is there to be found in the whole of it. It is the custom of the island for the militia to meet on holidays, as this was one, and go through their exercises and firings in the same place, and exactly as they did that day. They never ask leave of the commander of the regiment, but when the whole of it is reviewed. Fiott knew nothing of their exercising; neither he nor his agents gave them money or liquor. There was no riotous example given of mutiny nor disorder. No parading through the market-place, but exactly in the usual way of going and returning to their abodes. No contempt nor defiance of his majesty's civil government. No bonfires made; nor one circumstance in the whole affair different from what is constantly done on such occasions; and the whole account is an utter falshood, as it is *certified to be by captain Graham, then commander in chief, and eleven officers in the army and navy, then in the island; the most unexceptionable evidence that can be given, as they were unconnected with either party. And lastly, as the lieutenant-bailly and the jurats were at that very time at a tavern, next door to Fiott's house; they must be convinced of the falshood they uttered, because they never attempted to take up one of these dreadful mutineers.

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* Vide appendix, No. 14.

That magistrates should lay before their sovereign and his council an affair that never existed, unconnected with the subject of the doleance; to contaminate a man with the imputation of exciting mutiny and disobedience to his king and the civil government, is certainly an act of impudence deserving a severe chastisement.

With respect to the remonstrance against Mauger, the court answer, "that they did not think Fiott had any right to controul his majesty's attorney-general's exercise of the power of appointing a deputy, vested in him by the king's letters patent." From all that has been already related, the most charitable presumption in their favour is, that they did think wrong in all the preceding instances; otherwise, in defence of their understanding, they sacrifice their honesty; and it seems but a scurvy commutation to truck the character of a fool for that of a knave.

Fiott had no intention to dispute Philip Lempriere's right to appoint a deputy; he only remonstrated whether circumstanced as Mauger was, seduced and encouraged by the Lemprieres; and irritated by Fiott, by his just charge of treachery, an incorrupt magistrate, jurats, and attorney-general, should have suffered him to be deputy on such occasions. But ought not the remonstrance of Fiott to have been thoroughly examined before Mauger was sworn into that office, particularly as the approbation of the court is necessary to precede that deposition? And was it not incumbent on the jurats to recollect, that by order of king and council, 11th of April, 1734, when five jurats were dismissed from office for notorious denial of public justice, that two of the articles with which they were charged, were for admitting and swearing a jurat and constable into their offices,

fices; when opposed, for refusing to hear the opponent; for not passing an act that such opposition was made; and for not granting an appeal. Why then in this similar case of the dolcant, was his remonstrance not examined before Mauger was sworn? Why was his opposition not attended to? And why were the resolutions to which the court agreed, not entered in the registers according to the orders of kings and councils, so repeatedly mentioned? Why did they disregard the express order of the 26th of March, 1729; especially as in consequence of these established orders, seven jurats were declared to be guilty of great neglect of duty; and a notorious denial of justice, for having refused to make acts of resolutions they had come to; and for having refused an appeal therefrom: whereupon five of the seven were removed and discharged from their respective offices, as aforesaid; his majesty extending his grace and favour to the other two? I imagine, when the preceding cases I have mentioned shall come before the council, it will appear that the present causes of punishment will be incomparably more energetic than those of the preceding time; and that the grace and favour of his majesty may find ample scope to be extended, if such abandoned magistrates can deserve the mercy of a king so just.

But the conclusion of this paragraph is prodigious, even in these men: "Fiott having before made choice of two other advocates in the cause he had depending before the court." What a flagrant misrepresentation does this contain? Philip Lempriere had seduced Mauger to be his advocate. Could Fiott take him? The court deprived him of Dumaresque, by making him stipulating attorney-general. Could he then plead

plead for Fiott? Payne was appointed by the lieutenant-bailly for Fiott, and had formerly refused to speak, till he was told by that magistrate he might say what he thought he might say. Pipon was nephew of the Lemprieres; and that forward prostitute to his uncle's iniquities, who so officiously offered himself to pronounce those conclusions against Fiott, which the lieutenant-bailly dictated, and which even Dumaresque, the stipulating attorney-general, declared was going too far. The court at that time consisted but of these four advocates, though it should have been composed of six, and a solicitor-general. Where then were the two advocates to be engaged by Fiott? What an ignominious prostitution of truth and judicial character does their answer exhibit. In fact, the whole proceeding, and particularly the conclusions, were absolutely illegal, and the trial invalid, for Dumaresque was not sworn into the office of stipulating attorney-general, and therefore those conclusions which he spoke from the dictates of the lieutenant-bailly, as that substitute, were totally unwarrantable; and upon which no sentence could be lawfully pronounced.

The answer to the next article still bears the flagitious marks of the preceding. "The following Saturday, 25th of February, appointed for examining the matter, Mr. John Dumaresque, senior advocate at the bar, being appointed to officiate as king's attorney-general in the cause, agreeable to the practice in similar cases; and Mr. Payne, the next advocate in rank, was, at Fiott's choice, appointed counsel for him, he then not offering to relinquish or withdraw his remonstrance, though hinted to him as advisable by one of the jurats."

Is it the practice in cases where a client hath chosen his advocate, to deprive him of his assistance, by making

making him a substitute to his antagonist? Can Payne be said to be Fiott's choice, when there was not another whom he could take. The power of choice supposes more than one object. Was Philip Lempriere, or Mauger to be chosen, who were his opponents? Was Pipon, the nephew, so prompt to mischief, to be chosen? Could he have taken Dumaresque, whom they had taken from him? Where then was the exercise of choice, when none but Payne remained? And wherefore was not this latter made the officiating attorney-general? Why, he was in reality more timid, and therefore less likely to express a syllable in his defence, should he, on the lieutenant-bailly's permission, presume to speak.

The lieutenant-bailly and the jurats proceed in their answer; "On the 25th of February last, the petitioner did not then either offer to withdraw his complaint against Mauger, but insisted on its being already at an end, and determined, by the swearing of him deputy king's attorney-general, and required the opinion of the court upon that point; and Mauger insisted on the other hand, upon the examination of his conduct in the profession of an advocate, which he said had been unjustly impeached by the petitioner. The court ordered the parties to proceed; after which, and not before, Fiott objected against, and offered to recuse, or challenge, the lieutenant-bailly, John Le Hardy, James Pipon, and John Dumaresque, jurats, from sitting as judges; and being told that if he had any recusations to make, he must, as usual in cases where recusations are allowable, put them into writing, with the assistance of his counsel, Mr. Payne, whom before his going into court, he had acquainted with his intent of recusing the
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abovementioned judges, and who had advised him against it."

In answer to this part Fiott declares, that on entering the court he required that his remonstrance should be withdrawn. But what occasion is there for his availing himself of that circumstance? it is in fact a contradiction to say, a remonstrance can be withdrawn, after the object against which it is offered, is carried into execution. The remonstrance was made against Mauger's being appointed deputy attorney-general. It was, nevertheless, effected, and Mauger was sworn into office on the 18th of February. How then can a remonstrance, be withdrawn on the 25th, against that very thing which was effected on the 18th, and there existed no power of complying with that petition. The desire of withdrawing by Fiott, was a mere act of needless formality; and nothing further could have been legally transacted, in consequence of that remonstrance, untill Mauger commenced an action against Fiott for damages; but that he had not done, and the court had no right to have proceeded a single step till a suit had been begun by Mauger.

It appears beyond dispute, as the court allows that recusations are to be put into writing, that this circumstance evidently expresses that a proper time shall be allowed for the doing it, and this is the practice of the court. In 1731, John Le Hardy, attorney-general, recused some of the jurats*; the court passed an act, that the recusations should be lodged in the office in writing, and that each party requiring it should have

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* Act of the court, 12th of February, 1731.

authentic copies thereof, and the cause was deferred. With what face then did these magistrates dare to lay before the king and council an untruth so notorious? "That it was the usual custom to put those recusations into writing immediately."

The express mention of Mr. Payne's assistance was not to be forgotten; but who was this Mr. Payne, and what assistance was to be expected from him? Can it be imagined, that Payne, who undertook Fiott's defence, because the lieutenant-bailly permitted him to say what he thought he might say, did not write such recusations as he thought he might write? And that the same dastardly servility did not influence him at that hour as in all the former? Was it not for this very reason of Payne's assistance, that Fiott was obliged to draw his recusations in court? Did not the lieutenant-bailly foresee the consequence of Payne's timidity, and that Fiott, by having a day granted him for forming recusations, would have found better aid; and that the recusations would thereby appear in another manner and including different reasons? Would Fiott have omitted to say, that the lieutenant-bailly, by encouraging Manger to demand satisfaction for that with which Fiott had charged him, had made the cause his own? That he and the jurats refused, were the authors of the act to sell his share of the privateer; and therefore prejudiced against him for his doléance, in opposition to their determination? that the chief magistrate had erased that part of his action so essential to be preserved; and that they had consented to it; and therefore not fit to sit in judgment in any cause in which he was concerned? Would he have omitted their refusing him justice in the manifold

manifold instances which I have shewn? Could he possibly have been so inattentive to his own affairs, especially as the laws of Jersey allow such causes of recusation? To the shortness of time and to Payne's timidity it must be imputed that the exceptions appear to be such as they are. And when it is so carefully added, that Fiott declared before the court, that he would recuse these magistrates. Does it thence follow, that he was to be precipitated into that recusation without time to recollect himself? and without the advice of a man who was not enslaved by dread of the jurisdictional tyrant. This circumstance manifests, however, with what diligence Payne discovered the circumstances which passed between him and the client, on whom he was forced by the court.

I shall now lay the recusations before the world; and the determination of the court in consequence of them.

"Nicholas Fiott recuseth John Le Hardy, esq; to be judge in this cause, seeing the complaint the said Fiott hath made to the said Le Hardy of the proceedings of Mr. Peter Mauger, in pleading for Philip Lemprieres, esq; against the said Fiott, having declared, that the said Philip Lempriere had not done justice to the said Fiott, in several articles, which the said Mauger himself knew; and that the said Le Hardy ought in his own conscience to believe it, or look upon the said Fiott as a liar; so that the said Fiott believes that the said Le Hardy ought to be satisfied, whether the said Fiott hath declared to him the truth, touching his affairs with Philip Lempriere, before he can be a competent judge in this cause.

The said Fiott, likewise, recuseth James Pipon, esq; seeing, that he knows that the said Fiott is the person who is the cause that the said Pipon hath been

been sued by rigour of law, before the council, in order to oblige him to do justice to the poor concerning the hospital.

The said Fiott, likewise, recuseth John Dumaresque, because he hath pleaded *peremption to the said Fiott.

And recuseth Charles Lempriere, esq; lieutenant-bailly, as being a judge † Idoine; seeing the declaration the said Fiott hath made to himself, of the proceeding of Peter Mauger, and the answer that the said Lempriere had made to the said Fiott, touching the said Peter Mauger; and also, seeing the complaint which is still depending before his majesty."

Such were the recusations; and I now appeal to my readers, whether every line of them does not express the timidity of Payne, and the power of the lieutenant-bailly over his conduct; and whether Fiott would have offered these reasons only when so many irresistible ones were in his power to produce, had he been permitted a longer time, or could he have had an advocate of firmness equal to his claims of justice?

But since the recusations were such as are just related, let me examine how far they are justifiable by the laws acknowledged and observed in Jersey. For intelligence in what manner they existed in the ancient constitution of Normandy, I refer my readers to the chapter on the Norman constitution. And for the custom of Jersey, to their jurisprudential apostle, and the practice of the court. According to Rouillé§, especial friends or enemies,

or

* Equal to a statute of limitation respecting a debt.

† In his own cause.

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or those who, for certain reasons, may be suspected of love or hate, or who are parties, or have causes of the like nature; let me ask then, whether all these men, who had decided in the manner already related, come not within the definition of enemies, or such as, for certain reasons, were justly suspected of hate to Fiott, or of some other more culpable motive? As to the seigneur de Roselle, the wonder is not, that he was recused, but that he had the hardiness to be present on this and the other preceding occasions. Terrein observes, as a general rule, that a judge may be recused on a less cause, than a witness be rejected. Had this court remembered the refusing to take the evidence of Mr. Fiott's niece, respecting the ill-treatment of his son, could they in conscience have dared to sit in judgment on this occasion? but why do I mention the influence of conscience in men, who, by the experience of many years, have demonstrated that they have none, or are strangers to its admonitions?

Le Hardy was the near relation of the Lem-prires, whose cause this cannot but appear to be, since Mauger was of their appointment. Le Hardy, strictly speaking, is no jurat, having his majesty's leave to be discharged from that office, since 1759.

Pipon had long held in his possession a sum of 50,000 livres, a charitable donation, given to found an hospital for the poor. Fiott, the friend of the indigent, was the chief means by which this man was called to account for that money, and which, by order of council, he was obliged to pay. Could he, who contended to defraud the poor, be an unprejudiced judge in the cause of that man by whose activity and humane pursuits he was obliged to pay it?

His

His reason for refusing Dumaresque was justly founded also. Dumaresque had borrowed a sum of money of Fiott, which he refused to pay him. At length, he was sued; and, by means of being a jurat, doing that in a fortnight, in their royal court, which another subject cannot accomplish in two years; he pleaded their act of limitation, and never discharged the debt. Was that man to be Fiott's judge, who never forgave the disgrace which he incurred by that act of evading payment, and detested Fiott for the consequence of that which he himself was the cause.

But let me bring instances on record of the recusation of judges in the courts of Jersey. In 1736, in a cause between Joshua Pipon, lieutenant-bailly, and Michael Lempriere, grandfather to the present brothers, Michael recused the whole bench who were present. He recused Philip Dumaresque, because Pipon's first wife was his sister. Charles De Carteret, on the account of the law-suits and disputes between them. Rawlin Robin because he farmed tythes belonging to the king. John De Carteret, because he was nephew to the wife of Lempriere; and William Dumaresque, because he was receiver-general. The exceptions were allowed, and the cause referred to be heard by his majesty in council.

In October, 1729, on a cause between Sbirel and Le Hardy, several jurats recused themselves. There then existed some sensation of conscience in the court. On the 31st of October, 1730, the judge delegate was recused, and the cause was adjourned; because a sufficient number of the jurats were not present. On the 12th of June

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* Act of the court, 31st of October, 1726.

1739, on a cause between John Le Hardy, and Mary Mauger, Le Hardy excepted against Michael Lempriere, and the recusation was allowed. The 2d of October, 1740, Michael Lempriere refused Elias Dumaresque, on account of personal animosities; and the court were of opinion that they ought not to sit in judgment on each other's causes. The 19th of February, 1731, John Le Hardy refused some of the jurats. The 21st of October, 1732, and on the 20th of April, 1738, he excepted against Michael Lempriere, a jurat. The court did not allow the recusation; but in neither of these cases was Le Hardy either fined or imprisoned. On the 1st of June, 1739, John Le Hardy refused Michael Lempriere, not only respecting the cause then depending, but in all others in which he might thereafter be concerned. The court declared Lempriere to be a competent judge in that cause, and notwithstanding that opinion, Le Hardy was not sentenced to ask pardon of the jurat whom he challenged; but the court allowed him an appeal to king and council.

Such then are a few of the numerous instances which may be brought, that recusations of jurats are according to the laws of Jersey, for causes less substantial than those which Fiott brought against the jurats, whom he challenged; it is remarkable also, that the very persons who deemed the last recusation as an heinous offence, were the Dumaresques, Lemprieres, and Le Hardy, of the same names with those who made the former.

And lastly, when this narrative shall be read, let every man reflect whether he has ever known a more atrocious act of insolence than this of Charles Lempriere, esq; who sat in judgment, sen-

sentenced the man to fine and infamy who justly refused him; despised the practice of all former magistrates; the laws of the isle; the orders of king and council; and then dared to justify his heinous misconduct before his king, with falsehoods equal to the enormities he had committed.

But let me shew my readers with what indignation the present lieutenant-bailly and the court received the recusation of Fiott. "The recusations, being held by the unrecused part of the court, to be most frivolous and malicious, and highly injurious to its honour and jurisdiction; and the petitioner not making the least submission or acknowledgment of his offence, but on the contrary offering to interfere an appeal; the court, after hearing the conclusions of the advocate, officiating in the place of the attorney-general, ordered the said petitioner to ask pardon in the usual manner, and fined him three hundred livres, discharging him also from the place of centenier; and he not only refusing to ask pardon, but publicly declaring he wished matters had several years before come to this issue between the court and him, was committed to prison untill he should comply; being detained, however, not a close prisoner, as in strictness he might have been, but indulged to remain in the jailer's apartment; with liberty to walk in the garden, and with free access of his clerk, people of business, and all his friends to him."

The defence of this transgression is still more egregiously confident than the committing of it. Men, in heat of passion, are guilty of excesses, which in the hours of coolness they condemn. But this chief magistrate and his accomplices exceed the law, and defend the violence. It seems the unrecused part of the court held these recusa-

tions highly injurious to the honour and jurisdiction of the bench. I desire the world to review the violations of justice which these men have perpetrated, and to declare whether the most atrocious charge can be injurious to their honour and reputation? Can honour be the inmate of that court, which hath so shamelessly prostituted the very essence of magistracy, to the commission of iniquity and injustice, and to the support of the most nefarious of human beings? But this it seems was done by the unrecused part. An admirable argument of exculpation. Let me suppose, that of twelve sheepstealers the chief and three of the gang were recused from sitting in judgment on a cause relative to an honest man, whom they had signally injured: is it not certain that the rest would consider the honour of their body highly injured, by that exception of their chief and their three accomplices? But will that effrontery alter the nature of their deeds, or excuse their enormities?

And in this place I must apologize to these sheepstealers, for comparing them with the court of Jersey. The former violated the obligations of morality and the law, through necessity. The latter have disregarded not only all moral, legal, and religious obligation, but have betrayed and prostituted the sacred deposit of dispensing justice to the vilest purposes, and without the temptation of want. Men are to be distinguished by their actions, and not by the names of thief and jurat, and he that is least criminal of the two, is comparatively the better subject.

In this place, and in all others, I mean not to depreciate the office which is honourable; and of infinite utility, when sustained with integrity. But as it is more shameful for a soldier, than for a com-

common citizen, to be a coward, because it is his especial duty to be brave; so is it infinitely more scandalous in a magistrate to be unjust, because to him the care and execution of justice is committed; and no title can sanctify the actions of a villain.

One part of Fiott's offence is expressly named to be offering to appeal from the judgment of the court to that of his sovereign. Did they expect that in complaisance to their crimes, he should renounce the right which the laws have given him? After hearing the conclusions of the advocate officiating as attorney-general, they say, the court ordered the petitioner to ask pardon in the usual manner, fined him three hundred livres, and discharged him from the office of centenier. Every syllable of this is a falsehood. First, the advocate refused to draw the conclusions, and they were dictated by the lieutenant-bailly, though Dumaresque, through dread, delivered them. Secondly, that this was not the usual manner of asking pardon is manifest from the preceding cases, taken from the records of their court. And it is remarkable also, with what ease this asking pardon in the usual manner is expressed; and yet this usual manner of asking pardon contained the asking it of God, the king, the court, and the person injured; and declaring the fact was maliciously intended. The consequence of it also is, being deprived of the privilege of giving testimony in any affair, of bearing any office, and of him and his family being doomed to perpetual infamy. The *amende qualifiée* which till these brothers obtained the tyranny of jurisdiction, was never inflicted but for most atrocious offences; and the sense of infamy which attends it has been already

described. And I defy him to adduce from the day in which king John gave them their constitutions, to this hour, an instance in which any man has been sentenced to the *amende qualifiée* for refusing either the bailly, his deputy, or the judges. What confident imposition on the council, to name this punishment the usual manner of asking pardon. But heaven had favoured the honest merchandise of Fiott with success. He was grateful for the blessing in charities to the poor. He felt for the unhappy prisoner, furnishing by the cruelty of the Lempriers. He acted with justice, opposed their iniquities with spirit, and supported his rights with firmness. He then was to be doomed to guiltless infamy, and deprived of his property, as a terror to all others, who might dare to murmur at the despotism and rapaciousness of these brothers; because in him they knew they should subdue the whole island. The battle has, on his side, been long unprosperous. But will not the day arrive, which shall give him that victory, which will compensate for all his past defeats?

The fine for causelessly excepting against a jurat, as by Terrein *declared, is to be twenty livres, French money. In this it was three hundred, money of order, which is four hundred and fifty French; more than twenty times that sum which the law allows; and as part was given to the king, and the other to the cohue, both were to pass into the brothers pockets; whilst the destination of the latter part conveyed an additional disgrace to Fiott. Besides they dismissed him from the place of centenier, which he had executed with the approbation

* Folio 68o.

tion of his fellow-subjects. These are the men who talk of the honour of their jurisdiction. Had I not reason then to apologize to sheepstealers for having injured their characters by the preceding comparison. However, it seems there was another offence. Fiott publicly declared he wished that matters had several years before come to that issue between the court and him. And I shall tell these opprobrious magistrates, he imagined that this illegal stretch of jurisdicitive power would disclose their unjustifiable proceedings to his majesty in council; and that no such flagitious offenders could escape a condign punishment. He was indeed at that time mistaken; but probably his surmise was not defeated, but delayed. He was committed to prison untill he should comply; and they refused his bail, who had taken it for three thieves, not more than three weeks immediately preceding. However their lenity was great. It seems he was not made a close prisoner, but indulged to remain in the jailer's apartment, to walk in the garden, and to see his friends, and those who had business with him. What an amazing act of impudence, to dare to represent this as clemency! Is it possible, on seeing this declaration, to imagine the crime had been less than treason or felony? and yet the whole of it consisted in the exercise of that privilege which the laws allow; which the fathers of these shameless men exercised with impunity, of which there are a thousand precedents on record; and which at the worst was no more than an offence, to be attoned for by twenty livres. Such is the boasted lenity of the honourable jurisdiction of the court of Jersey.

In justification of this tyranny they have the effrontery to cite the orders of Elizabeth, of which I have given an ample account, which were made

to support the despotism of the Pawlets and enslave the islanders ; an act which was abrogated by James the first, as I have already shewn, and which hath been the invariable practice of the court.

The act is that which denies the power of refusing magistrates. This act even will not support their indignant behaviour ; for the punishment was to be according to discretion and equity. Are either of these to be found in this instance ? Is there an example of it to be adduced from her reign ? But the insolence of daring to impose on the king and council, in defence of themselves, by a law legislatively abolished, is one of that amazing number by which they have violated all decency of demeanor towards their sovereign, the laws of the island, and the rights of the people. Whatever is beneficent in princes they rescind and neglect, though in full force of law ; and that which is tyrannous and oppressive, though repealed and obsolete, they call into action and inflict it on the guiltless islanders.

Their next part is to evade the atrociousness of dismissing Fiott from the office of centenier ; and this they represent “ as an under-constable, subordinate to, and under the controul of, the royal court : and this he broke through by his contemptuous recusations of a number of unexceptionable jurors, then assembled, to hear his own complaint, thereby setting to his majesty’s subjects a most pernicious example of contempt and disrespect to the royal jurisdiction.”

In this part, the intent of imposition on the council, is as manifest as in the former. They speak of a centenier as an under-constable ; and under the word constable would convey a parish constable in England, and an office of contemptible consideration : whereas a constable of Jersey is a repre-

representative, elected by the people, to form their occasional laws; and so, in like manner, is the centenier, when the constable cannot attend. And this same lieutenant-bailly, at the head of the act, which was to approve his conduct, hath taken care to mention a centenier of Grouville being present on that occasion; so that, in fact, Fiott was expelled from his right of occasional representation in the assembly; a punishment which could not have been inflicted by the court, but by the states, of which he was actually a member; and, for some offence especially committed in that office. And what had the recusation of the jurats to do with the office of centenier? had he sworn to renounce his right of recusation when he accepted it? Can the exercise of that right be a pernicious example to the subjects, and contempt of jurisdiction? and can those jurats who voted in all the oppressive acts, which I have related, be unexceptionable men? or, in reality, ought they not to be for ever driven, with disgrace, from the judgment seat for their iniquities?

Fiott has, in his doleance, expressed their entertaining prejudices against him, on the account of his behaviour, respecting the French prisoners. And having mentioned the refusal of taking the depositions of witnesses to prove the cruel treatment of them, the court deny the fact, and say, "the truth is, that colonel Forrester, applying to them, concerning some complaints of the French prisoners, they declared, the court could take no cognizance thereof, nor could order the prisoners to be brought before them; but that they were ready to take affidavits for proving them, which was done." For refutation of this most atrocious
lye,

lye, I appeal to the *oath of colonel Forrester himself, where it is flatly contradicted.

I am now happily arrived to a paragraph so different from the rest, that, with pleasure, I transcribe it: So replete with filial piety, and reminiscence of his father's virtues, that it seems amazing that Charles Lempriere, esq; should mention him with such duty, and yet have been totally unmindful of his illustrious example. But it is the prevailing vice of men to praise the excellences of their ancestors and to despise the imitation of them. The following are his words :

“ We cannot help expressing our surprize at the introducing into this petition an account of a former cause; totally foreign to the present question; and brought in, it would seem merely for the purpose of stigmatizing the memory of Mr. Dillamont, the lieutenant-bailly's father, and formerly jurat, now dead above two years; a gentleman of a most fair and unexceptionable deportment, in his public station; and whose character was never impeached in his life, even by this petitioner.”

As the modesty of the lieutenant-bailly would not permit him to illustrate this declaration, by recounting the glorious deeds of his father, I shall do him that friendly service; and what I have to offer is not the vague tradition of applausive report; but the enregistered, enrolled and authentic acts of the royal court of Jersey.

First then, this unimpeachable character was that very Michael Lempriere, who, in his manor court of Little Roselle, treated Le Riche in the manner already related; wherein he was excused
from

* Vide appendix, No. 2.

from bringing the indispensable evidence, and Le Riche ordered to adduce an impossible testimony.

Secondly, this was the unimpeachable character who commenced a law-suit against Philip Jean for eight cabotels of wheat, in which the order of justice was inverted in the preceding manner. Both these were ratified by his worthy son, the present lieutenant-bailly. So much for his unimpeachable character in civil deportment, let me now shew it in another light, and this I shall translate from the records of the court.

Remonstrance of Elias Dumaresque to the lieutenant-bailly and the court.

On Monday the 28th of June, 1725, he was attacked in the night, in the high road, by Michael Lempriere, beaten, and ill-treated in a manner cruel and unheard of. Which manner I shall add from another account. The unimpeachable Michael way-laid Dumaresque, with design to assassinate him. Michael left him as dead in the highway. On the 1st of July, the court being informed of the imminent danger of the death of the said Dumaresque, went to his house, where, in their presence, the attorney-general took the declaration of the said Dumaresque on oath.

That by an act of the same day it was ordered, that the said Lempriere should be seized and presented to justice by the constable, or by the centenier, and officers of the parish of Trinity, at the instance of the attorney-general; which could not then be effected, because Lempriere had escaped out of the isle. That the 12th of August, of the same year, Dumaresque presented a complaint to the court against the said Lempriere, which was read in presence of him.

That

That during the time in which the cause was pleading, the said Lempriere left the court without permission.

That by an act of the same day, after the attorney-general had drawn his conclusions, the court allowed the said Dumaresque to swear the peace against Lempriere, which he did. By this Lempriere was condemned to give bail for his good behaviour, in the penalty of 100*l.* sterling, which was ordered to be signified to the said Lempriere; and on his refusal to give that security, he should be seized and committed to prison, and the officer was empowered to take the assistance of the constable, and other officers of the parish wherever Lempriere should be.

That hitherto it hath been impossible for the deputy viscount to carry the ordinance into execution, by the great protection which Lempriere hath found; nor for Dumaresque to have justice, because the said Lempriere hath placed himself in defiance of the laws.

That on Sunday the 16th of January, 1725, on the day of electing Le Hardy a jurat, the said Lempriere came, at the head of several persons, in the church-yard of the parish of Trinity, during divine service, and again menaced the said Dumaresque, saying, that were there present but they two, their differences should be soon decided; that Dumaresque intended to seize him, but that he had something in his pocket which would guard him against it.

That the day on which Le Hardy entertained the court at his house, after part of the company was gone, the said Lempriere appeared publicly, to the great contempt of the authority of the court.

That

That on the 20th of February, about one o'clock in the morning, the said Dumaresque met the said Lempriere, near the house of Francis Amy, and had great reason to believe he would have put his threats into execution if Dumaresque had been without company.

On consideration of the above, your remonstrant prays, that the most speedy and effectual measures be taken to carry the ordinances of the court into execution, and the life of your remonstrant be placed in safety, and he shall ever pray.

Signed *Dumaresque.*

3d of March, 1725.

On the 6th of January, 1726, by an act of the court, Michael Lempriere was considered as having broken out of jail, and the proper officer was ordered to seize him by force, and bring him to justice.

And hence it appears that this gentleman of most fair and unexceptionable deportment, and whose character was never impeached in his life, has attempted to commit murder on the high road and in the dark, and fled from justice. And, were I to indulge myself, I could tell this pious son that his unimpeachable father, on another occasion, swore that he would immediately murder his brother-in-law; that his wife, conscious of his cruel designs, mounted on a horse, without a saddle, and rode with all possible expedition to acquaint her brother that her husband was coming to murder him; that a few minutes brought him to the house, where his intentions were prevented; and that on his return, his mother cried out, hast done the deed? He answered, no. Hast made the bougressé miscarry? This I could relate, and
bring

bring tradition as authentic as can be brought of acts unregistered. But Michael is an unimpeachable man; so are they all, all are unimpeachable men.

And now let me ask this Charles Lempriere, this seigneur de Roselle, &c. this lieutenant-bailly, with what face he could dare to provoke the world to this discovery, by the description of a father so detestable.

Why did he not permit his dust and his iniquities to rest together in the grave, nor wake remembrance with a man so horrid?

How could he subscribe a lye so signally notorious, as that his father's character was never impeached in his life, whose villainies stand on record to confront and to disprove the assertion? What ill-judged impudence in him! What abject servility in the jurats! Not a man of them was unacquainted with the falshood of what they subscribed. And lastly, what an insult on the king and his council, to affect this filial piety for a father, than whom a more flagitious wretch hath never cursed the earth. And now let me tell this seigneur de Roselle that the petitioner did not abstain from malediction, because there was no ground for exposing his father's wickedness; but because he chose not to touch the ashes of the dead; an example which he would have done well to have imitated. And what was this mighty act of stigmatising Michael Lempriere that Fiott has committed? It was that being senior jurat, and asked his opinion in favour of Cosnard, he gave his consent. Were there no other stigma burnt in the character of Michael, the records of Jersey could not have furnished the murderous intentions which I have already related. The jurats will, I doubt not, plead the old excuse, that being afraid to examine the answers of the lieu-

lieutenant-bailly, they implicitly subscribed without knowing the contents of this flagrant falsehood.

As the lieutenant-bailly seems delighted with the most fair and unexceptionable deportment of his ancestors, in this place I shall take the liberty to exhibit the unimpeachable characters of others his progenitors.

Lempriere, attorney-general, in the reign of Elizabeth, was guilty of erasing one record, and forging another; by obliterating the fief of Dillamont, from among those which were held of Rosselle; and inserting it in the roll of Franktenants.

Thomas, a jurat, on the 25th of September, 1645, was by order of the commissioners in Jersey, expelled the court, and his office, for being a rebel to Charles the first.

Michael, great grandfather to the brothers, was at the restoration expelled from being bailly, for rebellion also.

Michael, his son, was he who first began the illegal claim of Le Riche for the compart. He was treated by Charles Marret, at a parish assembly, with such language as was justly due to his character. On the 4th of June 1720, Marret was condemned, by the court, to ask pardon of Michael, and to acknowledge him to be an honest man, to the *amende qualifiée*, and costs of suit; and refusing to comply with the sentence, he was committed to prison. He appealed, by doleance, to queen and council. The court, at that time, gave true and impartial states of their decisions. On the 24th of October 1724, the sentence was reversed; because the pretended offence was not criminal; because the sentence was too severe, and because it was absurd that Marret should acknowledge Lempriere to be an honest man, for having uttered
some

some hard expressions against him whose character was too infamous to receive an additional slander: and who after verified this opinion by being expelled the court for mal-administration of justice. And Michael, his son, and father of these brothers, was the intentional assassin whose actions are already mentioned.

And I am in doubt, whether the world, after reading this Narrative, will be perfectly convinced that Charles and Philip, their dutiful and worthy descendants, have expiated the crimes of their progenitors by their most fair and unexceptionable deportment in their public station, and by a life of unimpeachable character.

Shew me in what race, and in what empire, the most extensive, a succession of generations is to be found in which the characteristic distinctions of a faithful descent are to be so undeniably traced. These are the Lemprières whom the seigneur de Roselle pronounces to have been the heroes of Jersey; such are the heroes also, whom we see in the predæmonion of Milton.

The next assertion is, "that, notwithstanding Fiott's offer of bail, he was committed to prison, because he offered no submission to the court for a manifest contempt; and that the court, against whom a contempt is committed, never bails the party, for his appearance, before his submission; whereas the petitioner was so far from submitting, that he offered an appeal before sentence was completed; nor could they even, if the appeal had been regularly prayed, have granted it in a case of contempt: for, however his majesty may grant appeals in all cases to him, yet, by the laws of the island, they cannot grant appeals in cases of misdemeanours; and, were it otherwise, our jurisdiction would soon be at an end, and your lordships

ships daily troubled with delinquents of every denomination."

The falsehoods and absurdities of this assertion are in perpetual conflict which shall prevail. First, they assert, that Fiott was committed, and not bailed, because he did not submit to the court. Did ever a man, that expected to be bailed, make submission to the court, which is complying with the sentence? for what is he then to be bailed? he sought bail, in order to have his cause re-heard before the council. Had he submitted to the sentence of the court, how could he have redress from that which he had already suffered?

The next allegation is, that the court, never bails the party for misdemeanors; they take bail for felonies: felony then is not a misdemeanor. These magistrates allow, in this answer, that there are cases in which jurats are recusable. I have brought various instances, in which they have been recused by the predecessors of those men who now denied it to Fiott; and, by law, every Jerseyman hath a right to recuse the jurats. Can it be then a contempt of court to exert that right? the very stating the case pronounces the falsity of it. In England we have the privilege of challenging the jury. If the exceptions be not allowed, is that exertion of right considered as a contempt of court? Fiott was nevertheless committed to prison for this contempt of recusing the jurats; and the law positively declares, that twenty livres shall be the sole penalty for a causeless recusal. The next assertion is, that he offered an appeal. To this he had an undoubted right. They denied it, because, as they affirm, by the laws of Jersey, they cannot grant appeals in cases of misdemeanors. The laws of Jersey allow appeals, in all

cases, where life or limb is not concerned. Was Fiott to be hanged or dismembered for demanding that right which the laws allowed him?

Is that jurisdictional defence to be supported, where the magistrates confess, that if they granted appeals where the law obliges them, it must soon be at an end, and their lordships daily troubled with delinquents of every denomination? Hence it appears, that these magistrates deny justice to the suitors in their court, because they will not trouble their lordships with hearing the horrible decisions which they make. This seems to be a reason not unworthy the resentment of the board.

Let me now consider the subsequent paragraphs of their answer: "With regard to the parts of the petition that more directly and personally concern the lieutenant-bailly, such as his being actually present in his seat in the court when the recusations were under consideration; dictating to the advocate, officiating in the office of attorney-general, what conclusions he should enforce; and to Mr. Poindestre, the judge appointed to hear the cause, what sentence he should pronounce against the petitioner, they beg leave to affirm, that after the lieutenant-bailly had spoken upon the recusations offered against himself and the three jurats; and declared that he hoped that the advocate, officiating as attorney-general, would draw proper conclusions, he never interfered in any manner, either while the court was giving their opinion or forming their sentence; and as to his continuing in his seat in court, it is well known that when the lieutenant-bailly excuseth himself from presiding in any cause, it is not usual for him to leave the seat."

In answer to this I do assert, that every word of Fiott's, here cited, is true; and that innumerable witnesses are now ready to depose it on oath, who were then present in court. It is evident also, considering the manifest misrepresentations already shewn, that these magistrates do themselves confess the charge. They allow that the lieutenant-bailly spoke on the recusations, before he asked the opinion of the jurats: He, therefore, gave his opinion illegally. Because, by the laws of Jersey, he has no right to deliver it until he hath heard that of the court. Was it not acting in defiance of that which his office forbids? He hoped also, that the officiating attorney-general would pronounce proper conclusions, after he had given his sentiments illegally on the subject. But even this very officiating advocate was illegally in the post of attorney-general, for he was never sworn on the occasion. "And he never interfered whilst the court was giving their opinions;" nor had he any right so to do; and certainly he would not, when he saw the machines nodding assent one after another, as he had directed. And lastly, they confess that it is not usual for the lieutenant-bailly, when he excuses himself from presiding, to quit his seat. Hence, confessedly, all those judges delegate which appear before the council in appeals, are mere inanities, by whose names he intends to impose on the king and council a belief that he was absent where he acted. For to what purpose does he excuse himself, or is he recused, if he remains in his seat in the court, but to determine the cause as he liketh and to deceive the board? That he constantly remains in his seat to overbear and influence the jurats, is then granted by himself and his confederates. But I assert that

no lieutenant-bailly before him ever had the face to exhibit such a mockery of recusing himself. Endless are the instances wherein they were not present, and that such was the practice is evident from the manuscript of Le Geyt. Teriën expressly declares, "The matter shall not be proceeded in by the judge recused, but by him who has been accused to take his seat in his absence. And that the judge ought not to be present when he knows causes of recusation." But these magistrates have the face to justify the breach of the law by acknowledging the violences they commit.

There remains another part on which to be adverted. The court alledges, "That had the recusations prevailed, there would have remained only four jurats, and the judge appointed, to judge a complaint that required a full bench, or at least a quorum, which consists of seven; otherwise Mauger might have complained of being deprived of the benefit of a full and competent court, in a cause so nearly concerning his character and credit as a public officer." First of all, Mauger had brought no cause in defence of his character. He was sworn attorney-general, and had received no injury to his credit. And as it has been already shewn, the cause was not legally brought before the court. Next, Fiort was not to avail himself of his right of recusation, because four persons would have been removed from the bench, who were manifestly the friends of Mauger, by being the declared enemies of Fiort. Next of all, by order of council, the sentence pronounced by less than three jurats, in personal matters, may be appealed from to the body of the

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such was the answer which the court gave to
and it was signed by the
men who were
• Order of council, 19th of May, 1671.

the court, consisting of seven at least. But if three were present after the recused had left the bench, they could have determined as legally as seven; for a second trial in Jersey is only consecutive of less than three jurats being on the bench. Hence it is evidently a misrepresentation; for in fact there would have remained five jurats, and the judge appointed. They could have decided as legally of the cause, as all those who were present; but the preserving these three, imparted the idea of a full court; and preserved the lieutenant-bailly on the seat; and therefore the reason is evident why the recusations were disallowed.

It is remarkable also, that in the case in which Fiott was sentenced in the manner complained of, that the unrecused jurats were deemed sufficient to remove him from the office of centenier, and the right of representing his country, of which none but the states were competent judges. From this circumstance of partiality to Mauger, it is evident by their own confession, that these jurats were justly recusable.

The next assertion is that of "the jurats carrying on the business of government and administration, not only without salary, but to the no small detriment of their private affairs." For the refutation of this falshood I appeal to the account which hath been given of their emoluments and advantages, related in the first volume; and certainly Le Hardy, who signed this answer, is not intitled to that plea, since he hath had, at his own request, his dismissal ever since the year 1759. But these magistrates are unconscious of shame, and subscribe what the lieutenant-bailly dictates.

Such was the answer which the court gave to Fiott's doléance, and it was signed by the identical men who had been guilty of the very misconduct

with which they are charged; all witnesses in their own cause.

Charles Lempriere,
lieutenant-bailly,

J. Le Hardy,

James Pipon,

John Dumaresque,

Poindestre, judge appointed,

D. Messervey,

James Lempriere,

Joshua Pipon,

Amice Marret.

The preceding arguments were, in a great measure, urged by Fiott in his reply. The object either of the doléance or of this reply, was not to have the sentence reversed, "but that a commission, might be directed to disinterested and unprejudiced persons, authorising them to convene his witnesses, and take their depositions, as hath been done in similar instances; without which it would be impossible for the doléant so to do. For as the lieutenant-bailly, the attorney-general, and their family, are possessed of almost every place of power and profit in the island, it is not only the middling sort of people that are intimidated and alarmed at their vast power and influence, and the use they make of it, but even persons of rank and fortune stand in fear of them; and none can take depositions on oath without the lieutenant-bailly."

Such was the request of Fiott; and to an uninspired intellect, it seems to be the most just and reasonable; as it was the only method which, according to the common course of judicial procedure, could adequately determine the contention; since both parties were witnesses in their own cause. It seemed incumbent on the court to justify their proceedings by something more credible than their own assertions; and Fiott would undoubtedly have deserved a severe punishment, had his allegations been

been proved untrue ; and to this trial he requested himself to be exposed.

But such was the event, the answer of the court was received as an indisputable truth, and as a justification of their integrity, because it was a court of record. If nothing but right were recorded in Jersey, it would be happy for the islanders ; and certainly if the single consideration of a thing's being recorded, is to afford a proof of the truth of what is asserted in consequence of that record, which they themselves have made, the most notorious villains upon earth may be exculpated : for self-accusation is but rarely to be expected from human-kind.

The cause was determined to be criminal, and I shall venture to affirm in direct opposition to the and practice of Jersey. Of this I shall bring a law case in point. John Le Couteur having presented certain recusations against Charles Dumaresque, a jurat, tending to impeach his being a judge (in quality of seneschal) in the fiefal court of Noirmont, Le Couteur was condemned to a fine, and to the *amende qualifiée*. Le Couteur refusing to pay the fine was committed to prison. In consequence of this sentence he petitioned the queen in council, and it was declared, by *an order of council, that the case was not criminal.

The petition of Fiott was nevertheless dismissed, and he was ordered to return to Jersey to submit to the sentence of the court. There are singular events in the moral nature of things, like these in the material, which seem to be repugnant to the principles on which they are established. May not this be considered as of that kind ? How will it be otherwise solved that an innocent man should

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* Order of Queen and council, 25th of December, 1705.

be condemned to an ignominious sentence, without the privilege of attempting to disprove the assertions of his antagonists. In consequence of this sentence, thus confirmed, Fiott was convinced that every detestable machination of these brothers would be carried into execution to complete his ruin, if he returned to Jersey; he preferred the alternative of a voluntary exile to such a persecution and remained in England. By these means the island was deprived of the most considerable merchant, and of as honest a man as it ever produced. But will not the happy hour return, when truth shall triumph over falsehood, equity over injustice, right over wrong, and integrity over fraud? Shall he never more behold his native land restored to right, privilege, and liberty? Shall these brothers reign in their contempt of God, the king, the law, and every thing which is valuable respecting our conceptions of divine and human? It cannot be. Their hour of perdition is at hand; for the viceroy of the will of heaven, the father of his subjects, the executor of justice, and the friend of humankind, can need no other motive to crush their despotism, than the representation of truth, to which his eyes will be not long a stranger.

The lieutenant-bailly and the court have remained without demanding the security which was given for Fiott's appearance in their court. They chose not to commence an action against the bail, because that would renew the cause, on an appeal or doleance, from which they had so miraculously escaped.

Strengthened by this new and unexpected instance of successful iniquity, the brothers, like pigs of lead tumbling from some precipice, crushed every thing which came within their course. The

instances

instances of their barbarity, in attempting to cover the island with famine, of which I have given an account, are posterior to this time; and consequently the islanders were convinced, that they and their progeny, their rights, liberties, properties, reputation, and quiet, were now devoted to the will of the brothers. They were ascertained that neither law, truth, nor justice, were to be expected from this prostituted court; and the determination of council filled them with universal horror. In fact, they considered themselves without resource. They beheld the Lempriers as tyrants, themselves as slaves, the island as a prison, and their patrimonies as chains, which bound them to their miseries.

Mr. Fiott now resolved to sell his estates, and withdraw his property from the island. Mr. Laurence was left his agent, and to conduct his commerce. To him also the care and guardianship of a young family was consigned. It was his duty to collect the debts of Fiott*. Many denied to pay them; and whenever they were sued, and the action was brought before the court, they refused to decide such causes. But whoever commenced an action against Fiott, whether just or unjust, sentence was immediately given in his favour without hesitation. In this manner, by denying him law and right to receive his just demands; and giving, by their decisions, validity to the illegal claims of others, who were thereby tempted to the making of them, it was resolved never to abstain from persecution till Fiott was undone. To avert this torrent of premeditated destruction, he sold his estates, by contract, in England, to Mr.

* Vide Appendix, Laurence's affidavits, No 13, 14, 15.

Mr. Philip Peter de Gruchy, merchant, in London.

This sale, in order to be rendered valid, according to the laws of Jersey, must be registered in the proper office; and to that intent it was transmitted to the island. Application was made to the lieutenant-bailly for the legal ratification of the contract. His answer was, that Laurence might come to his chamber after the court was up, and he would see if he should have time to do it. In obedience to this command, Laurence and De Gruchy's agent, went and waited at his chamber. In a short time the scrivener who was to transact the business, came and informed them the lieutenant-bailly was passing contracts in court. Laurence returned to the cohue. The moment he was seen, the lieutenant-bailly ordered the deputy vicount to clear the court, that the states might be assembled. In this manner the application was defeated, by this most contemptible exertion of malice.

The seigneur de Roselle knew that Fiott, under his present circumstances, would not return to transact his own affairs. He was therefore resolved to treat Laurence in such a manner, as to tire him by his insults; and thus deprive Mr. Fiott of the only man who had courage to oppose his malignant intentions; and who was capable of conducting his business. Laurence is not a servant, dependant on Fiott for his support; he is a person of estate and property, sufficient to give him independence in Jersey. The fidelity of this man was not to be shaken; his attachment to Mr. Fiott, his care of his family, his perseverance in support of justice, and in opposition to violence and oppression, render him deserving the applause of every virtuous man.

Mr.

Mr. Laurence being disappointed at that time, asked the chief magistrate when he would be pleased to register the contract, and he was told on the next Saturday. Laurence came and found him passing contracts. At a proper time, the scrivener employed by him began to read the contract. The lieutenant-bailly commanded him to desist and said he would look to it immediately. He read it, and said, all the rents which Mr. Fiott owes are not mentioned in this contract; there are some for which he hath sent me several actions, these rents are not mentioned. These were actions which the court had rejected, and were for the four and half vergés which had been discovered in the fraudulent measurement that had been given when the estate was sold. It is not a slender degree of effrontery which can support a man thus publicly to mention those facts, which must doom him to eternal infamy.

Laurence answered, that all the rents which Fiott owed, were therein mentioned; and if they were not, there was a clause in the act, which included every thing that might be undesignedly omitted; as well respecting these he owed, as those which were due to him. Lempriere had no answer ready.

He then asked, who was to pay him the arrears which were due? I am, said Laurence; and the next Friday was appointed for that purpose. Lempriere was then asked, if he would pass the contract? Not till I have consulted the court, he said; and I will give you an answer next Saturday.

The agent of Mr. de Gruchy seeing the chicane and evasion of the seigneur de Roselle, declared if the lieutenant-bailly would not pass the contract, he would appeal by doléance to council.

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Do as you will, said Lempriere, the court can easily answer it. We do not refuse you. Do as you will. For in reality, since their late success against Fiott, they were become totally regardless of any chastisement from the council.

On the day appointed Laurence paid him his rent, to the time at which the fallacy of the measurement was discovered. The lieutenant-bailly promised the court should take cognizance of the contract the next day; and that he would send an account of their resolution. Instead of this, another evasive answer was sent, with orders for the agents of De Gruchy and Fiott to attend the court on Monday.

Mauger had commenced an action of damages against Fiott, soon after his imprisonment; but during the time in which his petition of doléance on that account was undetermined, it was thought advisable that it should be discontinued. On the 23d of November, 1766, the cause was revived for the remonstrance which had been presented against him on the 18th of February, 1764.

On the 22d of November, 1765, a summons was left at Fiott's house to appear in court the next day, to answer to the action of Mauger. Fiott had been five months in England. Laurence appeared, as agent for the absentee, and his advocate pleaded that the cause could not then be heard, because of Fiott's absence. The court, however, ordered the proper officer to leave at Fiott's house a copy of Mauger's reply to Fiott's remonstrance, with peremptory order to answer in January term.

The term being come, a motion was made for trying the cause, and the 23d of that month Laurence offered, by his advocate, to contest the action. The court resolved he was not an admissable

missable party, and that none but Fiott could be admitted; and the 27th of January was appointed for a hearing of the cause.

De Gruchy and Fiott's agents had retained an advocate to present the contract in court; and as soon as it was assembled the lieutenant-bailly bade the advocate to stop a while, and then called for the preceding cause of Mauger. And when Mr. Laurence offered to speak on the subject, he was commanded to silence, although by the laws of Jersey he, as agent, had a right to be heard; and without calling an evidence on the part of Mauger, to prove that he had suffered the least damage from the remonstrance, the court condemned Fiott to pay him five hundred pounds sterling, and about seven pounds, as a fine, which went into the pockets of the lieutenant-bailly and the farmer-general.

This notorious insult on the semblance of justice being thus committed, the advocate for the contract was permitted to read it, and the court determined it should not be passed. The advocate required an appeal. Some of the jurats told him he had better sit down in silence. He religiously obeyed their mandates, and became dumb. And no appeal was allowed.

Five hundred pounds damages for Peter Mauger, advocate, and gentleman taylor, because a remonstrance had been presented in court, for a treachery that ought to have proved to be his dismission from the bar, and which had never produced him a farthing's injury. I shall consider this sum, and this gentleman, of the lieutenant-bailly's making, in all his faculties, his former and present practices; and then it will be seen whether more or less than justice was done him on this occasion. As an advocate, the fee for

for pleading a cause was settled, by order of council*, to be a livre tournois, or about fourteen pence English. At this legal rate he must have pleaded 7500 causes to have gotten so much money. As a botcher, or taylor itinerant, which was his real occupation, the wages in Jersey are two-pence half-penny a day and mear; he must then have worked 30,000 days to have gotten that sum. As a fiddler, whose hire depends on occasional employment, and the generosity of the stocking-knitters, I have no express rule by which to judge; but by the best hypothetical calculation which I can make, he must have scraped his catgut at least two hundred years to have received a reward of equal value. Such was the recompence which the lieutenant-bailly and the court gave to this Peter Mauger; and although the laws of the island give every man a right to appeal in all cases where the sum exceeds twenty pounds; and in this case it cannot be called criminal, because it was for damages, and on a private prosecution this upright bench of judges denied it. Their violation of the laws was egregious; but their judgment was not amiss. They were resolved to retard the application to council, if they could not prevent it; for I fancy they suspected that board might have been of opinion that five hundred pounds were rather too much for the pretended injury which had been done to the reputation of *l'habile homme*, Peter Mauger, gentleman, advocate, deputy of a Marmiton attorney-general, taylor, and fiddler.

Every action commenced against Fiott was countenanced by the court, heard with avidity, and determined with pleasure against him; and those

* Rules and orders, 19th of May, 1671.

those which he brought for his just debts, were scouted or not heard. No advocate would undertake his suits, through fear of offending the brothers. Whatever was illegally demanded from him was obtained, and legally by him, refused; and the tribunal of justice was made the rack of vengeance and the place of punishment.

If any man assumed the courage to ask his highness the seigneur de Roselle, or his brother, on what law they grounded such unprecedented proceedings, the answer was, because Fiott did not return to receive his punishment. Mr. De Carteret was now a jurat, of whom I have already spoken. There was therefore one honest and intelligent man on the bench. A cause of Fiott's was before the court; the lieutenant-bailly and the other jurats had given their assent to deny him his right. Mr. De Carteret asked by what law they treated Mr. Fiott as deprived of his rights. He shewed them that nothing less than perpetual banishment could effect him in that manner; that Fiott was not even under the sentence of a temporary exile; and that he might return whenever he pleased. By conscious guilt, for this once only, and by such an unusual opposition, they suspended the determination of that cause; and since that time they have not dared to proceed in that kind of iniquity; nor have they determined any of those causes which Fiott brought for his just debts. Without this honourable contradiction to their arbitrary determinations, debts had been conjured from the shades of oblivion to have divested Fiott of his property; and denials when he demanded his due. What man, or what property, can withstand such a diabolical combination of mischiefs?

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The best apology I can make for this seigneur de Roselle is something which he himself has obliquely offered, in defence of his arrogance and contempt of his sovereign: those who are best acquainted with human nature will most readily acknowledge that men are extremely apt to exalt their opinions of themselves on the most visionary conceptions. Charles L'empriere derives his name from Charles L'Empereur; and, in fact, in an ancient order of king and council, where the jurats are named to whom it is directed, there is one addressed, among other names, *ad Carolum dictam Imperatorem*. This person was certainly of his family. I am inclined to believe, therefore, that the present Charles conceives himself to be the emperor of Jersey; and George the third, king of Great-Britain, France and Ireland, and of all the British dominions, in Asia, Africa and America, to be a feudal prince, holding those territories, in fief hautbert, with homage and fealty to the emperor of Jersey. This, as it appears to me, is the only plausible pretext on which L'Empereur can found his practice of placing himself paramount to all laws and orders of king and council, which have been transmitted from England to his empire; and for this reason he treats the men of Jersey as his slaves, who owe no allegiance to George the third. If this account should not prove satisfactory to my readers, I must leave it to the seigneur of Roselle himself to explain it.

It appears to me that this point ought to be settled; that the islanders may be ascertained whether they are to obey the imperial or the regal potentate; and be no longer deluded with notions of being the subjects of a prince who is subject to the seigneur de Roselle, de Dillamont, de Savalle, and ten &c's. among which, perhaps that of l'Empereur may be included.

Such

Such was the situation of affairs, relative to Mr. Fiott. Mr. Laurence was refused to have the contract registered; appeal was denied him also. The lieutenant-bailly was the person, without whose presence no oath could be administered by the court. He was applied to: but an affidavit against himself was what he chose to refuse the taking. Happily at that time colonel Campbell was commander in chief, whose name and memory will be ever dear to the people of Jersey. To him Mr. Laurence applied, to take his *deposition, on oath. The colonel knew the truth of the facts which it contained; the probity of him who deposed them, and administered the oath; on this †petitions of doléance were presented to king and council, by Mr. de Gruchy and Mr. Laurence. In these were specified the denials of justice, the refusing to register the contract, the prohibiting an appeal, and other acts of violence and oppression.

At the same time a petition was given to colonel Campbell by the children of Mr. Fiott, in relation to the 500*l.* damages to be levied on his estate; expressing, that Mr. Laurence was hindered from collecting their father's debts, and to contest in law any action brought against him: and the colonel was requested to beseech the protection of the earl of Albemarle to prevent their ruin.

The commander in chief transmitted to lord Albemarle this petition. In consequence of this procedure, as Fiott hath been well informed, lord Albemarle sent for Joseph Sharp, and expressed his resentment at the behaviour of the

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* Vide Laurence's affidavit, appendix, No. 13.

† Appendix, No. 13.

Lemprieres, and gave him the petition. Joseph transmitted it to the seigneur de Roselle, together with a letter, of lord Albemarle's opinion, on that subject. If the contents of it can be conjectured from their consequences, it was certainly not pleasing to the seigneur. However, this magistrate had address enough to convert this circumstance to his present advantage, and to a mark of his importance. He convened the court to his chamber, and shewing them the petition, he said, see what Fiott has done against the court; let him do what he will, the original shall be transmitted to my hands. Not a word was mentioned of the contents of that letter which accompanied it. Such, however, was the effect, that the prosecution for the fine, and the 500l. has been suspended from that hour to the present, and no man who has the misfortune to be acquainted with the Lemprieres, will do them the injustice to believe they ever voluntarily renounced an act of cruelty.

The petitions of doleance above mentioned, being presented to king and council, the court of Jersey were ordered, 2d of April, 1767, to return their answers; and that I may not be accused of misrepresentation, I shall give them to the public.

To the first part of these doleances, respecting the denial of registering the contract and appeal, the lieutenant-bailly and the subscribing jurats, make no other reply, than that Fiott had not returned to suffer his sentence; when asked for bread, they give you a serpent. The magistrates assert, this transfer was made in order to elude the confirmation of the sentence by king and council; and yet by the date of it, the contrary appears to be the truth; and by what means could the preventing of this transfer have obliged him to submit

mit to that sentence? The confirmation of the sentence had no effect on his property. Was there not his bail to answer for his appearance, who was responsible for the sum, whenever he was called upon? There was no day in the confirmation of that sentence for his returning to Jersey. He had therefore till that of his death to comply with it: and by the laws of the island, the lieutenant-bailly and the court had no power over his property, to compel him by that means to return.

To that falsehood they add another notorious untruth, and assert, "They did not refuse the transfer taking place, but declared on their part, they should be ready to admit of it as soon as the said Fiott had cleared his contempt, and acknowledged the dignity and authority of the jurisdiction, of which he claimed, by the means of his clerk and attorney, the benefit and assistance."

Was it part of Fiott's sentence, that his effects should not be transferred? How dared these magistrates to deny him that right, which his country gave him, and inflict a double and treble punishment for the same act, even after their sentence had been so long pronounced and confirmed by the council? Is it possible an honest man can treat that court with contempt? and acknowledge the dignity or authority of a jurisdiction, so infamously exercised as I have proved it to be? and of which there are innumerable other instances, equally flagitious. And by what means were they impowered to pretend to stipulate the conditions on which they would grant the rights of justice to his majesty's subjects?

Having advanced thus far, they most impudently presume to dictate to the king and council.

They declare, " The petition presented by the said Laurence, who is clerk and attorney to the said Fiott, cannot be considered but as a repetition of contempt, on his part, against the court; and as a defiance of his majesty's authority."

Of whom does the lieutenant-bailly and his jurats conceive these lords of his majesty's privy council to consist; and of what rank, or what degree of understanding? He hath dared to limit the extent of it to an incapacity of not discerning that a legal application to the court of Jersey, cannot be considered but as a repetition of contempt by a man who was never accused of committing any. The subject on which this is laid, is absolutely distinct from the recusation of the jurats; and is it a defiance and contempt of his majesty and his authority, to present a petition to the king, and to seek redress from that authority for the injustice and oppressions of these magistrates? Certainly *L'empereur* was in the ascendant at that hour. He imagined himself sending his contemptuous mandates to those petty princes, who were his vassals, or tenants in capite; and when he mentions his majesty's authority, he must undoubtedly mean his own.

As the doleances of De Gruchy and Laurence are complaints against the same actions, and the court is fuller in their answer to that of De Gruchy than the other, I shall consider the remaining parts as they stand in that of De Gruchy: and therein they consider him also as guilty of a repetition of contempt, as they do Laurence, although he had no concern in Fiott's affairs before the sale of his estates. And then, in justification of their denial of justice, in registering the contract, founded on Fiott's obstinacy, they bring a precedent, "that on the 12th of March, 1569, during

ring the tyranny of the Pawlets, whom these imperious brothers have taken for the model of their oppressions, Peter de la Rocque, for reflections on the bailly of the island, in the exercise of his office, was condemned, by order of council, to remain in prison; where, the said order says, he had been worthily committed, until he properly made reparation, in court, of his fault; and was further condemned to pay 100l. sterling, for the use of the fortifications.

That, by order of council, 2d of April 1570, the said de la Rocque was received, to make his submission to the royal court of this island."

What analogy can the council find between the case of de la Rocque and Fiott? what reflections did Fiott make on the lieutenant-bailly or the jurats, in the exercise of their office? He offered recusations against them, which the law allows, and for which recusations, when disallowed, the same law has specifically ordained a fine of twenty livres, was the reparation which de la Rocque made in court an *amende qualifiée*? are the precedents which are brought in support of such recusations, without fine or amende, so late as in the days of these mens fathers, not to weigh against this of de la Rocque, with which it has nothing similar? and which was transacted two hundred years ago, in the exercise of that tyranny which was never equalled in Jersey, but by the present brothers? How does de la Rocque's being obliged to make submission, prove that Fiott has no right to sell his estate? is this conduct either ignorance or impudence? do they imagine that *amusons le Roi et ses ministres* will never have an end?

The next precedent of defence is, that, by order of king and council, 17th of June 1618, it is declared, "that whereas Philip Marlet had, by way

way of complaint to the council-board, there laid foul imputations upon the bailly and jurats, accusing them of unlawful proceedings, and which, upon examination, were found to be a slanderous charge; and had for that cause left Jersey, and betaken himself to live in England; it was ordered, that he should repair thither back again, to acknowledge his offence, and make his public submission and satisfaction for the wrong he had done his majesty's justice in that island.

And here I must ask again, what analogy is there between this case and Mr. Fiott's? can legal recusations be denominated foul imputations on the bailly and the jurats? and when the lieutenant-bailly brought this precedent from records, so remote as a century and a half, why did he omit that of his father, Michael, reversed by queen Anne and her council? did Maret ever return to receive his sentence? was he ever denied the completing a contract by the court? for what is this a precedent? I will tell him: for the dismissal of his brother, the attorney-general; for Maret was in that office, expelled by the court, and the sentence confirmed by the council; and yet I will engage, that the foulness of all his imputations is vastly inferior to that alone of Philip Lempriere, when he tore and stamped on the act of the States, of which I have given an account. But there is one singular circumstance that must not be omitted, which is, "that, upon due examination, it was found to be a slanderous charge." That examination was the object of Fiott's dolence. It was then allowed to Maret; it was since refused to Fiott. Let the lieutenant-bailly now desire an examination if he intends to blanch his character from those footy charges which are laid upon it: let him dare to meet the terrors of such an inquest. No; he will

will bear the accusation, and attempt to evade the enquiry by falsehood and misrepresentation. But the influence of such deceptions are at an end. Is it not to preclude more of his, his forefathers, or of his brother's iniquities that he illegally kept, and still keeps, the records of the court, at Dillamant, secluded from the eye of his fellow-subjects, when they were drawing their petition to the king?

Having advanced these mouldy cases, as precedents of their conduct, without one single feature of resemblance to that of Flott's, they attempt to plunge through the mire in which they are floundering, because it is too stiff to permit a turning back; and hardly they declare "they cannot omit to take notice of the late unwarrantable act of colonel Campbell, as commander in chief in the island, (whose commission is purely military) by his having taken upon himself, in a most unprecedented manner, and without authority, to administer an oath upon an affidavit offered by the said Flott's attorney against the royal court."

"They, therefore, think it incumbent on them to represent to their lordships, that the power assumed by the said commander in chief, in this case, and who had before, as they are credibly informed, sworn, without being duly authorised, persons to affidavits which had always been executed before the lieutenant-bailly, and two jurats, without fee or reward, is an encroachment of a most dangerous tendency upon the authority of his majesty's royal jurisdiction, which was never attempted, even by the governor of the island. As by order in council, 17th of February 1616, made upon a dispute between the governor and the bailly, the charge of the military force was declared to be wholly in the governor; and the care of justice and civil affairs in the bailly: and by

the charters of privileges and orders, in the reign of Henry the seventh, the governor of this island is forbidden to exercise any act of civil jurisdiction, and is enjoined to favour and give assistance to the bailly and jurats, where their orders are disobeyed and contemned.

It is amazing that even the lieutenant-bailly and his jurats should have the effrontery to lay this affair before the king and council. It has been already shewn by what illegal methods the chief magistrate hath usurped, the whole power of administering an oath, to himself; and the very instances to which he alludes, of colonel Campbel's having before that time, administered an oath, relates to that very affair of his denying to take the depositions of the half-pay officers, whom he intended to drive from the isle. This is more than common effrontery. But his daring to assert, that the commission of a commander in chief is purely military, is so impudent an untruth, that it cannot be equalled. Can the states be convened, or a law be enacted, without the consent of the governor? Is this a military authority? If ye have the least sense of shame remaining finish your days of falsehood and mal-administration, the only proof you have now the power to impart, that some sense of justice still survives in you. Become the willing executioners of yourselves, and by that equitable act attempt to expiate your dire transgressions. Can these magistrates be ignorant that colonel Campbel, the very man against whom they complain, hath officially and frequently sworn a judge delegate into office; and has administered it to more than one of those jurats, who have subscribed this answer, and who declare the administering an oath in civil matters unprecedented in him? Do they not know that he has sworn, that with all his understanding

standing and power, he will keep, and cause to be kept, all liberties, rights, dignities, laws, customs and privileges of the isle? How then, consentaneous with his duty and his oath, could he have denied the means of making an affidavit to Laurence, when the lieutenant-bailly refused it? and no jurat would dare to administer it? Are commanders in chief to regard their oaths and duty in a manner so flagitious as they are observed by the magistracy of Jersey? and is the example of their indignant conduct to be followed, and truth and righteousness to be deserted? Can it be an encroachment of the most dangerous tendency upon the authority of his majesty's royal jurisdiction, to bring before himself and council the ignominious acts of magistrates, who have violated, in the most nefarious manner, that authority which has been delegated to their care? Was the administering an oath never attempted to be taken by a governor? Sir John Peyton, that very governor, whom they mean, in speaking of the quarrel between that officer and the bailly, when they say, the charge of the military force was declared to be wholly in the governor, and the care of justice and of civil affairs, in the bailly, administered an oath, not only to the bailly and jurats, but to the clergy also; and is not the governor expressly commanded by the orders of council, as they are cited in the reign of James the first, positively to take care that the laws be preserved, and justice regularly dispensed? Is the administering an oath to such as depose that the jurisdiction is violated, an act of jurisdiction, especially when the head of that jurisdiction refuses to administer it? and, in such cases, shall the commander in chief deny that right which the lieutenant-bailly rejects, and the laws command him to afford?

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I am now come to the last assertion of the lieutenant-bailly and his jurats, " That affidavits had never been taken before upon any doléance, nor are they wanted to enable the complainants, as hath been improperly suggested, to lay their pretended grievances before his majesty and their lordships, as this court is a court of record, and never denies in their answers to petitions of doléance, the matter of fact thereby stated." 11b10

I would desire these magistrates to reflect a little on what they have asserted in this instance; and then I will ask them, whether doléances can be presented to the king and council, without some authentic account in writing, on which to found the application and complaint. If they cannot, by what means could the complainant have obtained such an authenticated paper, when the court of Jersey had refused to enter their act of refusing to register the transfer of the estate, what answer could the court have given from records, where nothing was recorded? And was not this omission purposely done, to rescind the means of doléance? On what grounds could the petition be laid before the king, without an affidavit to support the reasons on which it was founded? This deposition then being absolutely requisite, why did the lieutenant-bailly refuse to administer the oaths to Laurence, and De Gruchy's agent on that occasion, but with malice prepense to rescind them from the means of applying to his majesty for redress? And if this were the first instance of the kind, it must have been the first in which the complainants were reduced to the necessity of applying to the commander in chief to take their depositions. But is it not more probable, that the lieutenant-bailly had frequently committed this denial of justice, and rescinded doléances, because

because the former lieutenant-governors were unacquainted with their duty, and refused to administer an oath on such occasions?

This conduct in colonel Campbell they name "a breach of the laws of the island, and tending to suppress the power of the magistracy." Men who denied the entering the refusal of the sale, to which they are commanded by such numerous orders of king and council, and even by their constitutions, have the hardiness to charge the commander in chief with that act as a crime, which by the laws and the constitution, to their certain knowledge, and by their own experience, he was authorised to perform. Or they must allow that the judges delegate, sworn into office before him, acted illegally. And is there an honest man who will not sincerely pronounce, that if this was a tendency to suppress the power of that magistracy, he is extremely sorry that it was not accomplished?

In this answer of the court they have the face also to say, "If the complainant doth not make good his doleance, his majesty will, by the advice of his council, lay such a fine upon the party, as the case shall require." In imitation of these magistrates, I presume to request the same justice respecting them; for there is not a more equitable dispensation of the law, than that the perpetrators of iniquity, should perish by their own contrivances.

After having presented to their sovereign and his council the abominable untruths which I have related, they add, "That as persons taking upon themselves to administer an oath, not being duly authorised, become guilty of high contempt, they presume to flatter themselves, from their lordships known regard to support the dignity and authority

city of this his majesty's royal jurisdiction, that they will think it expedient, and highly important for the king's service, and the interest of his subjects here, to take into their particular consideration the proceedings of the commander in chief, which are unprecedented, and highly injurious to the royal court; that their lordships will be pleased to lay the same before his majesty, to prevent the subverting the authority of his civil government in this island."

To that passage I shall give no answer, but first desire my readers to recollect what has been said of this royal court, and then compare the following parody with the former paragraph, and determine on which side the request ought to be complied with.

That as by the laws, persons taking upon themselves to deny the administration of an oath, not being authorised to refuse it, become guilty of high contempt. I presume to flatter myself, from your lordships known regard to support the dignity and authority of his majesty's royal jurisdiction, that you will think it expedient and highly important to the king's service, and the interest of his subjects here, to take into your particular consideration the proceedings of the lieutenant-bailly, the jurats, and the attorney-general, which are unprecedented, and highly injurious to this royal court; and that your lordships will be pleased to lay the same before his majesty, to prevent the subverting the authority of the civil government in this island.

The next paragraph of the answer of the court contains some truth, though not in the way they intend it: "As the suggestions thrown out by the petition of doléance, preferred by the said De Gruchy in behalf of the said Fiott, are of a most odious

odious nature, as they are thereby accused of having caused a failure of justice; of having behaved in a manner subversive of the laws of the island, which they are sworn to execute and maintain; and in a manner destructive to property in general, and highly injurious and oppressive to the petitioner in particular; they doubt not but their lordships will think it highly necessary to put into execution the order made in council, on the 19th of May, 1761, for the better maintaining of the honour and authority of this jurisdiction, by which it is declared, That doleances being of an odious nature, as intended principally against the judge, whose honour is to be maintained; for the sake of justice, if the complainant doth not make good his doleance, his majesty will, by the advice of his council, lay such a fine upon the party failing, as the cause shall require.

And now I will ask this chief magistrate and his accomplices, whether they have not caused a failure of justice, and subverted the laws of the island? Let them explain then in what manner they have kept those oaths, for which they affect such tenderness. Let them disprove the authentic charges of this narrative. The world may then believe that the difficulties laid on doleances, are to support the honour of the magistrate. To them at present they certainly are of an odious nature. They disclose the actions of those who have transgressed so egregiously; and on the firm confidence, that not only these charges can never be refuted, but that a multiplicity of others are to be adduced. I doubt not but their lordships will think it highly necessary, if the parties cannot exculpate themselves, to put into execution the orders of Henry the seventh, that such magistrates shall be dismissed from their offices, deem-
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ed and received as perjured and infamous. For the sake of maintaining the honour of jurisdiction, and the support of justice, and that his majesty will, by the advice of his council, lay such a fine upon the parties failing, as the cause shall require; and in this place I shall mention that the expence of having copies of these doleances, which are very short, cost in office fees more than 2¹/₂ four times the price, before the application of Charles Lempriere, in 1761, to make such modes of redress more onerous to the petitioners.

The names of the gentlemen subscribers, whose honour and dignity is to be maintained, shall be subjoined, for a reason totally different from that, for which they were subscribed to the original, to perpetuate their names with infamy to the end of time.

Charles Lempriere, lieutenant-bailly,

J. Le Hardy,

Poindestre,

Charles Hillgrove,

D. Messervey,

Joshua Pipon,

James Lempriere,

Amice Maret

Edward Le Maitre.

Such was the answer which was made to the doleances of De Gruchy and Laurence, on the 29th of August, 1767. The cause nevertheless remained untried till the 17th of April, 1770, and it was then heard before the council. On that day all the notorious untruths with which it is stocked availed them nothing. Their misrepresentations, fallacies, and evasions, were seen thro', and all that was asked for in the petitions was granted; and when De Gruchy's counsel desired leave to reply thereto, it was suspended; because the further revelation of their iniquities could have grounded no cause of obtaining more than was requested. The solicitor for the court of Jersey had received a copy of De Gruchy's and Laurence's replies, by which the contents of them were known; and

and in order to avoid complying with the request of a permission to read it, the court of Jersey retained no advocate on that day. By these means the fallhoods of those magistrates were not then fully exposed to the board. The order of council was the 27th of April, 1770, that "Mr. Fiott should forthwith be at liberty to register the said pretended deed of Sale, and every other deed, and his attorney be at liberty to prosecute his suit, or any other suit, in the name of the said Nicholas Fiott."

This upright decision in a great measure proceeded from the opinion of sir John Eardly Wilmot, then lord chief justice of the common pleas, whose character can be adequately drawn by the full and united powers of that truth and justice only whose dictates he observed and exercised. Unable to execute a task so arduous, admiring the wisdom of his retirement from the dispensation of law, before the declining powers of human nature have sullied the spotless actions of an understanding in full vigour, I consign him to the universal approbation of his fellow-subjects, which he is now enjoying, and congratulate him on that best of remunerations.

The arrogant expectations of the Lemprières, and of their accomplices, had now received a more signal defeat, than they had hitherto known. They had imagined that their fallacious allegations would be constantly accepted as incontrovertable proofs; and that their reign of iniquity would not only continue during their lives, but descend with full energy to their progeny. But time has at length let in light on the obscurity of their misdeed; and the revolt, as they name it, has offered the previous means of disclosing their oppressions of the people.

This order of king and council was offered to the court of Jersey, to be registered on the 26th
of

of May 1770. To comply with this order, was to give Fiott an expreis right to re-commence those suits, respecting the false measurement of the estate; and to bring the wickedness of the Lemprieres before the council. And as there was now no longer the least appearance of their being believed by the council beyond the truth, the lieutenant-bailly and the attorney-general saw perdition stare them in the face; and but one way to protract the disclosure of their crimes, and to avoid the danger which threatened them. Accordingly the former entered upon the treasonable resolution of defeating the orders of his sovereign and his council, and of preventing their being registered. On this account, with still encreasing impudence, when they were delivered in court, without waiting to ask the opinion of the jurats, the lieutenant-bailly pronounced *qu'ils soient logés au greffe*, which is, in plain English, "I interdict the orders of his majesty." For this expression, in the court of Jersey, is a prohibition of registering whatever is offered to the court; and that which is not registered cannot be carried into execution.

Mr. Fiott's agent easily perceived that the iniquitous design of that interdict, was, to prevent a copy of this order of council from being taken, with a view to preclude the means of appealing to the king. And as nothing of this was entered on record, to compel him to another affidavit before a commander in chief, to ground his petition of doleance. As colonel Campbel was not in that post, the chief magistrate might have hopes that the present would not administer an affidavit. Mr. Laurence, therefore, bade his advocate to demand, that the order should be registered. The advocate replied, that it must of course be recorded. In fact, he trembled before this interdict of his sovereign's orders, this bailly's deputy,

duty, and dared not to risque his displeasure in favour of justice.

On this occasion more particularly, the lieutenant-bailly thought it especially necessary to deviate from the duty of his office, and to pronounce his own, without asking the opinion of the jurats. *Telle est notre volonté.* The bench was afraid to preserve their oaths and allegiance to the king, at the risque of incurring the displeasure of Charles L'empereur; and George the third, king of Great Britain, and his authority were renounced, and L'empereur prevailed.

The court being up, Mr. Laurence applied to the greffier for a copy of the orders of king and council. That officer replied, that as there is no order for their being registered by the court, he could not give him a copy. He then applied to the lieutenant-bailly to have them registered; and the great man answered, that there was no order in them for their being registered, and that they should not be registered. Laurence said, he had bidden his advocate to require their being registered, which he neglected. The seigneur de Roselle then said, in a tone more imperious than a resentful Asiatic monarch to his slave, "That had he demanded it, it should not have been complied with, nor shall you, with all your rhetoric, prevail to have them registered."

Mr. Laurence presented a remonstrance against this denial of registering the orders of king and council, and required it to be done. The lieutenant-bailly answered, that the order of council contains no orders for being registered; and the court are not obliged to register such orders, wherein that circumstance is omitted. The flagrant falshood of this assertion was known to every man in court.

It was objected to him as an *Muntruth*, and the very order of council which dismissed Mr. Fion's doleance against his sentence was brought, and proved to have been registered, without the minutest hint that it should be done. At this exposure of his falshood he hesitated a little, but instantly replied; oh, this was another thing, it was *propos* that that order should be registered. And this scandalous evasion was received by the jurats, one excepted, as an irrefragable reason. No advocate would undertake to move for registering their sovereign's order. It was undoubtedly the indispensable duty of his majesty's attorney-general to demand and make the orders of king and council to be obeyed in Jersey. Laurence applied to Mauger, Lempriere's deputy, and insisted that he should demand the enregistering the order, as by his oath and office he thought him obliged to do. This gentleman declared he would not, and that it was not his duty. He also feared the offending of Charles Lempriere, the bailly's deputy of Jersey, more than his sovereign, George the third, king of Great Britain.

Amidst this number of polluted magistrates there existed one, who since his being made *jurat*, had preserved his integrity untainted, descended from the illustrious line of the De Carterets, and of that name. This gentleman was the jurat last elected; he suspended his opinion, and demanded time to consider and to examine if these orders were different from those which were registered. This demand they could not deny him. In fact, having discharged the post of greffier for many years, he knew the contrary to be the truth; but he determined to have it authenticated from the records. In consequence of this the cause was deferred till the next meeting of the court.

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At this time Mr. De Carteret declared that he had examined the books, that he had found some in which it was mentioned, but many more, and of the same nature with the cause before them, in which it was not mentioned; and he gave his opinion that the orders of his majesty should be registered.

Notwithstanding this effrontery of the court, there is a positive order of king and council, 22d of August, 1724, which was made upon a complaint of John De Carteret against four of the jurats, who were a majority of the court then present; and who refused to register an order of council; and this order contains the following passage,

“ His majesty looking on the said jurats refusing to register his said order, to be not only an unwarrantable obstruction to justice, but also a high contempt of his royal authority; we do therefore, in his majesty's name, and by his express command, hereby signify to you his majesty's high displeasure at the said contempt, and the said undutiful and unprecedented proceeding of the aforementioned jurats; and do hereby command and require that for the future you do not, upon any pretence whatsoever, presume to disobey, or in the least delay complying with any orders of his majesty in council; but to pay an exact, speedy, and unanimous obedience to the same, as you and every of you will answer the contrary; and his majesty being well pleased with the dutiful behaviour of the other jurats, in shewing their duty to his majesty, and ready compliance to obey his royal commands. We do also, in his majesty's name, and by his express command, signify his royal approbation of such their behaviour; and to that end this signification of

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his majesty's pleasure in the premisses may remain upon record in the royal court of Jersey, we do hereby further command and require, that immediately upon receipt of these presents, you do cause the same to be entered on the public registry of the royal court of Jersey."

In consequence of the preceding order, a book had been by order of court appointed for the registering all orders of council, and which was begun in 1731; and since that time they have been regularly entered, and without directions contained in them that they should be registered.

Unawed by the menaces of royal displeasure, and of answering for his disobedience, as contained in the antecedent order; unmoved by the undeviating authority of thirty-nine years, and by the claims of justice, the lieutenant-bailly persisted in his interdict, and his jurate conspirators gave the same opinion. De Carteret then said, I desire the gentlemen who are here present to remark, that I give my opinion that the orders of his majesty shall be registered.

In this place I cannot but remark, how manifest it is that the similitude of souls, as well as of bodies, descends from progenitors to their progeny. Philip De Carteret, like his ancestors, is a just, a loyal, and obedient subject: Charles Lempriere, like his forefathers, a base, falsifying, perfidious rebel to his majesty's authority.

De Carteret having in this manner delivered his opinion, Joshua Pipon, one of the jurats, had the insolence to reprehend him for his opposition to their sentiments, and said that it was an affront to the bench. De Carteret replied, that he intended to distinguish his opinion from the rest, that should there be any occasion to answer to the council on that affair, his name might not

not be seen in it. To this the lieutenant-bailly said, he should then represent him above, seeing his refusal to join a majority; and this was followed by John Le Hardy, another of the gang, who told De Carteret he merited the censure of the court.

Such was the issue of his majesty's orders in council to oblige the court of Jersey to do justice. And shall this seigneur de Roselle, this bailly's deputy, and his conspirators, treat their sovereign with such flagrant contempt, menace those magistrates with censure, who preserve their allegiance, and place themselves superior to regal authority, to right and justice? Shall they who have unjustly accused colonel Campbel with violating the powers of his commission, remain unexamined and unpunished for the innumerable violences which they have committed? Who then will pay obedience to the king, when such contemptible magistrates despise his authority? Who will conceive that allegiance is due to that prince, from whom neither his laws, nor subjects receive protection? But his majesty and his ministers have hitherto been uninformed of the arrogance, falsehood, and rebellious spirit which have long prevailed in this insolent court of Jersey; and which have been so carefully secreted by one who ought to have revealed them. But the time is at hand when the secrets of all hearts shall be opened, and the mystery of this combination be disclosed in full day; to which I hasten in the succeeding chapter.

Such is the malignity and injustice with which these nefarious brothers have persecuted Nicholas Fiott. By means of falsehoods, misrepresentations, affidavits taken and delivered in secret, and artifices, they have driven him into banishment; for can

it be supposed that for the commission of a legal act, he will return to doom himself and family to perpetual infamy, be rescinded from giving testimony in the courts of law and from bearing the constitutional offices in the island. How undeservingly this sentence was inflicted on him, the preceding account will explain.

As the proceedings in the court of Jersey appear to have been illegally conducted, respecting the stipulating attorney-general and the lieutenant-bailly, on the day on which Fiott was sentenced to the *amende*, and committed to prison; and that circumstance, with innumerable others, unnoticed on the rehearing at the council board, may it not be humbly hoped that a permission may be granted by his majesty, authorising whom he pleases to administer an oath in Jersey, in the affairs respecting the circumstances of this judicial procedure of the royal court, and that a rehearing of the cause before unprejudiced men may be graciously conceded? This is a circumstance which ought to be as eligible to the Lemprieres as to Fiott. It affords the sole means by which the conduct of these Lemprieres and the court can be honourably exculpated from the charges herein contained; and if by the testimony of their compatriots they are freed from these heinous imputations, in how transcendent a degree will their characters be established; and what ignominy must attend Mr. Fiott, who hereby defies them to that proof. And I also shall confess that I have innocently done them much injury, publicly renounce what I have herein delivered, and do justice to their characters. It is to be expected, therefore, that they will joyfully unite in petitioning for such a probation; and enter into the examination of all the iniquities with which they are, and will be charged in these volumes; and
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not by remaining inactive under such accusations, renounce all regard to that reputation, which is most dear and sacred to an honest man, and in conscious silence live and die in infamy.

C H A P. VI.

Of the honourable Rudolpb Bentinck, by special commission of his majesty, commander in chief in the island of Jersey.

S E C T I O N I.

AS I am now to treat of a personage of superior dignity to those insular officers, of whom I have already spoken, it seems expedient that some special mark of the elevation of my subject should be communicated to this part of the narrative. Notwithstanding this the difference between them does not appear to be so very great, as to require the distinction of this matter into separate chapters, I shall therefore, as a proper medium, divide it into sections.

The first section shall contain those transactions, on which a demonstration may be experimentally founded of colonel Bentinck's legislative abilities. —The second, the legislative establishments which he hath instituted and proposed for the tranquility and happiness of the island of Jersey. —The

—The third, the plan of alterations respecting the Lemprieres and the islanders.—The fourth, the singular means by which he hath so happily accomplished the great work on his return to England.—And the fifth his return and reception in Jersey.

Unhappily the officers of those troops passed into Jersey, together with their lieutenant-colonel. In consequence of that event, various reports were speedily spread through the island, that communicated no honour either to the veracity, manhood, or disinterestedness of that gentleman.

Charles Lempriere, esq; was not long in penetrating to the source of Bentinck's character. He saw him possessed of immense vanity, and of a feeble intellect; and he imagined that whatever could be offered would be undertaken by the former quality, and conducted by the latter. The death of Ball was inevitable, and must infallibly prove destructive to the Lemprieres, without the exertion of all the lieutenant-bailly's skill to anticipate the consequences he foresaw. A petition for redress of grievances was presented by the islanders to their sovereign. Their fraternal iniquities began to be known in England; and colonel Campbel being commander in chief of Jersey, on the death of Ball, it must naturally become his duty to return to the island. The brothers were perfectly convinced that he was neither to be cajoled nor purchased; that a person of different qualifications, was indispensably requisite; and that their power and places, the concealment of their iniquities, and the semblance of a reputable character, depended solely on such aid, and on the exclusion of colonel Campbel, whose faithful representations they dreaded.

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The seigneur de Roselle diligently applied himself to that task, and insinuated to colonel Bentinck, how honourable it would be for him to be his majesty's special commissioner in settling their disturbances, and commander in chief in Jersey. This post being different, in the legislative department, from that of colonel Campbel's, might on that account be asked for with a semblance of propriety; but there nevertheless remained one stubborn objection, which is, that colonel Campbel receiving the salary of commander in chief from government, the secretary of state might object to the double expence on that account; and therefore on rejecting Bentinck's application, that Campbel might be commanded to his duty on the death of Ball.

To be relieved from this situation was worth one half of the Lempriere's possessions. Means may be found to compensate for the not receiving a salary from government; and nothing ought to be spared to preclude the return of Campbel. The accepting the charge of this legislative commission without reward, was the strongest inducement for its being granted. It gave the colonel an air of a disinterested man.

Bentinck, on this suggestion of the lieutenant-bailly, very early in the spring, and before the death of Ball, embarked for England in search of this legislative commission; and the lieutenant-bailly, if fame says true, gave him a recommendatory letter to lord Weymouth, expressing how properly he was qualified to become the king's commissioner, and to re-establish the tranquility of Jersey.

The circumstance of lord Weymouth's being secretary of state for the southern department, was a mutual advantage to Charles Lempriere and

and Rudolph Bentinck. His lordship is the grandson of the late earl of Granville, he had received impressions favourable to Charles Lempriere from that nobleman. His true character, and real actions had never been conveyed to his knowledge. He knew him also, and he was therefore disposed to serve him. Besides that accident, colonel Bentinck is a very distant relation to lady Weymouth.

It is certain that the re-establishment of tranquility in Jersey, required no military talents. It was necessary that the person who undertook that office, ought to be acquainted with some principles of legislature, particularly with those of the old Norman constitution, and with the feudal system, without which the laws and government of Jersey are absolutely unintelligible. To these should be added some skill in the Latin language, since neither the constitutions of king John, the charters and orders of king and council, which have been transmitted to the island, from that æra to the time of Elizabeth, could be comprehended; nor the origin, progress, imperfections, decline, and present demolition of the insular constitution, be known. With these colonel Campbell was well acquainted, and colonel Bentinck was totally a stranger to them. But the latter had the recommendatory letter of the seigneur de Roselle, and was lady Weymouth's Dutch cousin. Campbell was neglected, and Bentinck made legislator of the isle of Jersey.

Singular as this preference may appear, it is not without a precedent; and as colonel Bentinck's legislative reading may not readily furnish him with one so apt, I shall minister to him in that respect, and relate the following story.

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When the Welsh bishops retire to their diocesses, there immediately commences an ecclesiastical manufactory, and numbers come to be ordained who have never had an university education, as well as others who have. Samuel Squire, late bishop of St. David's, was at his palace of Aborguilly, engaged in that trade. Divinity was a trade with him in every respect. A living of full ten pounds a year was vacant; and two candidates were contending for the benefice, both of whom were unordained; and the patron promised it to that person, who should first obtain his ordination. Griffith Morgan depended on his university learning for being ordained; and David ap Rice on a recommendatory letter from Sir William Morgan, of Tradegar. Morgan answered the questions which were proposed, and read into English the Greek and Latin Testament with decent skill. His examination being passed, he withdrew, and ap Rice was introduced. Ap Rice told his lordship he was come to be made a parson, and the prelate called for the Greek Testament, and gave it him to translate. Says ap Rice, faithe, my lort, twas praafe pook inteed; praafe pinding, and praafe paper, put there was tam'd pad letters; faithe, my lort, hur do not understand one wort of the letters. The bishop then gave him the Latin Testament. Aye, faithe, my lort, here was praafer pook than the other; praafer pinding, praafer paper, and praafer letters, but tam'd pad spellings; faithe hur does not understand a wort of the spellings. Put, my lort, here is the letter of recommendation of sir William Morgan, of Tradegar, for your lortship. Squire read the letter, gave him ordination, and dismissed Morgan, the scholar, for a second examination.

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I do not intend, by these relations, to expose either the legislator or the divine. It cannot be the faults of either that their natural parts and educations are unequal to their duties and their recommendations; although, peradventure, the colonel may not be so absolutely free from all imputation on the defect of natural talents as the Welsh divine; for if the legislator has been born once in Holland, and a second time in England, with the powers of regeneration in his hands, I think he might have mended himself a little more at his second birth; but by a repetition of nati-
vities, he may at length be so perfected, that not a grain of the sooterkin will be visible.

The Welsh parson, though illiterate, was an honest, truth-telling, pious, and diligent divine; he discharged his duty with fidelity to God and the king, and to those whom he was ordained to superintend.

I shall consign this chapter to the furnishing of materials, by which my readers may determine in what manner colonel Bentinck hath discharged his commission.

The honourable Rudolph Bentinck being made special commissioner, and commander in chief in Jersey, included, like the ancient baillies, both the civil and military authority. He received his commission either at the latter end of May, or very early in June, and landed in Jersey about the 9th of that month the lieutenant-bailly had interdicted the registering of the orders of king and council, respecting Fiott. Before a commander in chief can enter upon the execution of his office, he must take an oath that he will assist and defend all jurisdictions, privileges, pre-eminences, and authorities, belonging to the king. If the colonel was not in the island when that interdict

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was pronounced, he arrived in a few days after. The rebellious insolence of the lieutenant-bailly was soon related to him. He left the affair unnoticed, and neglected to demand the enregistering the orders of his majesty whilst he was in the island. And perhaps I shall prove he has been a delinquent accomplice in stifling that contempt of the regal authority, since his return to England. By this disregard to the king and his oath, was not the new commissioner enveloped in the same delinquency with the old lieutenant-bailly? This conduct of the colonel encreased the opinion which the seigneur de Roselle had entertained of him before he left the island, and his apprehensions were quieted on the danger of his being born again during his absence; or if he were, like the glorious sun, *alius et idem nascitur*.

The brothers conceived great expectations from the colonel's jurisdicitive knowledge; and therefore they had reserved those men who had been seized and imprisoned for their seditious conduct since the 28th of September, 1769, for to ascertain it by experiment. They were all found guilty, but their sentences suspended till that of Gruchy was known.

The lieutenant-bailly declared, the crime of that offender was so enormous, that he deemed it one of those cases, which in the constitutions of king John, and in all their succeeding charters, is said to be too arduous for their decision, and therefore colonel Bentinck, by an *act of the court, was desired to transmit it to king and council for their determination.

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* Act of the court, 31 of July, 1720.

When the writer of this Narrative was in Jersey, the colonel gave him the acts of court which contain the examinations of Gruchy and the others, and at the same time declared he intended to recommend the banishment of Gruchy in his letter to the secretary of state, and desired his opinion of it. When these papers were returned, the colonel asked, what he thought of the whole affair? and he was answered, that it was an impudent contempt in the lieutenant-bailly of his majesty's orders which suspend all prosecutions for what had been done on and before the 28th of September, 1769, on purpose to evade the merciful intentions of his sovereign, and by cruelty to support his own power. And then he asked the colonel, on what ground he intended to recommend the banishment of Gruchy; for I find, says he, this man has no inconsiderable estate, and an office in the island, and can such an offence deserve a sentence which shall deprive him of all he has? The colonel, I verily believe, had not foreseen that consequence, and said the lieutenant bailly had requested it. But it was answered, how will the recommendation of a sentence so severe, coincide with his majesty's mercy, which you say hath been several times signified to you by letters from lord Weymouth? The colonel became sensible of the impropriety of such a recommendation, and said he would send the act, as it was requested by the court, without any addition of his own. Whether he did or not, I cannot say.

On this occasion the colonel was asked, if Gruchy deserves to be banished, what ought to be the punishment of the Lemprieres? He instantly answered, to be hanged. I was of that opinion before that time, I was so then, I am so now, and I shall continue in that persuasion as long as I
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am capable of thinking, either in this, or in a future existence. I am sorry to say it appears that the legislative colonel hath either changed his mind, or does not conduct himself according to those sentiments. But if he be again regenerate, he is then another person, and in no sense answerable for his opinions in his former self.

The excels of the intended punishment, so much beyond the nature of the offence, if it were an offence; and its being to be at the request of the lieutenant-bailly, induced this writer to suspect, that some serpent lay hid in the grass; and that something more than the mere desire of punishment might operate to that request. On enquiry, it was found that this Gruchy was in possession of that affidavit, which the lieutenant-bailly drew in his own favour, and young Gruchy refused to depose, respecting the case of Fiott. To rescind the evidence of a witness so egregiously to his dishonour, is too natural to man; but it was asked, whether the seigneur de Roselle could be so malignantly unmerciful as to deprive a man of his estate, effects office and bread, on the preceding account, which might probably never appear against him. In that lies the chief reason of that request, replied the person; that estate and those effects are on a fief of that seigneur de Roselle, and, by the banishment of Gruchy, they must fall by escheat into his hands, as lord of that fief; and the ruin of others to enrich himself, is his daily study and employment.

I am perfectly persuaded colonel Bentinek was totally unacquainted with this consequence, respecting the lieutenant-bailly; because he is absolutely ignorant of the tenures in a feudal government. It was on that ignorance Charles Lempriere, esq; depended for success: and he would cer-

certainly have succeeded, as far as it depended on the colonel's recommendation; without the incident which I have been just relating.

This insidiousness of Charles Lempriere contained every thing that is impudent and detestable. He knew that a sentence of banishment by the court of Jersey would certainly be reversed, on a petition of doléance, by the king and council. He therefore declined that method, because it must have proved fruitless, and have exposed his iniquity; and presumed on the colonel's want of knowledge, and his ostentatiousness of imperious exertion, to ensnare him to that nefarious act.

Against the orders of kings and councils there are no doléances; the lieutenant-bailly had been invisible; Bentinck exhibited in full folly; and the king and his council exposed to the dupery of the bailly's deputy. There are men who would dare an assassination, like his father, and who have not hardiness sufficient to attempt the execution of this design of Charles Lempriere, esq; Hence it appears how dangerous it is to delegate men to the discharge of such duties which they do not understand; more particularly where the rights and happiness of a people depend on their judgments.

I must now take a view of colonel Bentinck, as his majesty's representative, both in the legislative and judicial powers of the crown. Behold him seated in the assembly of the states of Jersey, like another Solon forming laws for the reformation of the state! The highways were the exalted subject of his legislative capacity; and it was enacted that no person should use a sled in drawing things on the road. This act being passed, it became a matter of discussion at an assembly of the

parish of St. Martin. In these meetings the constituents have a right to give instructions to their representatives on those affairs which are to be moved in the states; and the constables are sworn to lay these matters before them, for their approbation, before they are enacted; but these representatives being not suffered to see them till they are past, they have it not in their power to communicate the matter, till instructions become useless, and the propriety of an act's being made, cannot be examined until it is past a remedy. At this time Mr. John Robichon, a man of fortune equal to that which descended to the brothers from their father, in delivering his opinion of this act said, **cela occasioneroit une second revolte, c'etoit un bougre d'ordre*, which is, it would cause another revolt; it was a bougre of an order.

A parishioner observed to him that he had said too much. Robichon answered, say nothing of it, and I will give something to the poor by way of atonement. At that time he was in the office of vicar-general. Every parish assembly is replete with the spies of the Lempriers, and the brothers were informed of this declaration of Robichon. This news was as acceptable to these gentlemen, as the water-brook to the panting hart; and their souls longed to carry it into execution. Charles the lieutenant-bailly and Philip the attorney-general, resolved to ensnare the cunning colonel by this event. They represented to the commander in chief, that if speeches so seditious were suffered to go unpunished, the dignity and authority of his majesty's royal court of Jersey was at an end,

* Vide appendix, No. 17.

end, and that justice could not be administered. The colonel was as fond of his new power, as a boy is of his first pair of breeches; and longed as much to be shewing it to every body. Robichon was ordered to be prosecuted by Philip the attorney-general.

He was accordingly seized, taken from his bed at midnight, and imprisoned on the *4th of August. The colonel then employed himself in assuring his friends he should be severely punished for his impudence; and on the 13th he was brought prisoner into the court.

Robichon confessed, that he believed the words with which he was charged were those which he had spoken; that he was then heated with liquor, was extremely sorry for his indiscretion, and asked pardon for his offence; and added, that it was well known that no man had been more active to prevent the revolt than himself. Had colonel Bentinck been actuated by a grain of common sense, he would have been satisfied with this submission of a respectable and honest man; and have prevented the affair from proceeding any further. But the punishment had been settled before the man was heard, and the Lempriers were resolved not to lose this opportunity of duping Bentinck to their purposes; nor the colonel that of exerting his power.

On this acknowledgment of Robichon, Philip the attorney-general drew his conclusions. These were that Robichon should be dismissed from his offices of vintainier, and officer of the constable; be condemned to a fine of two hundred livres, money of order, more than twelve pounds; to

* Act of the court, appendix, No. 17.

demand pardon of God, the king, monsieur the commander in chief, and the court, to be remanded to prison for fifteen days on bread and water, and the jailer interdicted from giving him any other nourishment, and to give bail for his good behaviour. The court passed it into an act, without one hesitating opinion.

The honourable Rudolph Bentinck, commander in chief, and special commissioner of his majesty, sent to that island to reconcile the magistracy and the people, before whose eyes the merciful commands of his majesty were present, in several orders of council and letters from lord Weymouth, late on the seat of judgment, approved the sentence, and ostentatiously received the submission of Robichon. It must be remembered also, that the consequence of this sentence is an inability to hold any office, or to give testimony as a witness in any affair whatever.

No hungry spider was ever more delighted with catching a great fly in his web, than the Lem-prieres were with having secured the cunning commissioner royal in their net of craftiness. By this stratagem, founded on his imbecility, vanity, and love of power, they effected many desirable purposes. The colonel had now proved himself to be equally severe with these brothers. He was precluded from exposing their cruelties to the ministry, because the retaliation of his own would have been the consequence of it. The people were now convinced that what the lieutenant-bailly said was true, that they would gain nothing by stripping the attorney-general of farming the revenues. He was determined that

* Vide Appendix, No. 17.

vengeance and policy should affect what had been formerly perpetrated by the incentives of self-interest and cruelty. And the colonel was held forth to the islanders in full view.

Such was the illegal, ignominious, and unmerited sentence against Robichon, for words so offenceless and unmeaning. The Lemprieres seized the royal commissioner by the two handles of imperious vanity and jurisdictional ignorance, and led him like a devoted calf to the same altar, on which they had so often sacrificed their own reputation and integrity, the rights of the people and the claims of justice, and made him an oblation to their contempt and self-interest. From that day not a man of the island, either of sense to understand, or of sensibility to feel, held him in the least estimation. They despised him, as the dupe of the Lemprieres. At the same time the brothers triumphed in secret on the ductile folly of that cunning man, whom they had circumvented with such facility.

Colonel Bentinck's genius was now so totally known by the inhabitants, that two surgeons, Ferguson and Marshall, determined to avail themselves of his amazing talents. Besides these two there was yet another surgeon, whose name is Bruzaud. This industrious man had, in the year 1768, been made the object of Ferguson's malevolence. The latter applied to Gilbert, who commanded in chief, between the time in which colonel Campbell left the island, and colonel Ball's arrival; and represented Bruzaud as a person who was doing infinite mischief by his ignorance in his art; and that as he was a Frenchman and an alien, he ought to be banished from the island. Bruzaud had conformed to the church of England, had married a Jersey woman and had children.

On the application of Gilbert to the court, *Bruzaud was interdicted from practising. He then left the island, came to England, was regularly examined by the surgeons, found to be intelligent in his profession, and authorised to practise by their certificate. His case was represented to the earl of Albemarle, and he was recommended to Gilbert, to have him received in Jersey. Gilbert applied to the court, and he was † again permitted to practise. Ferguson and Marshal, like Bruzaud, were surgeons; one of a regiment, the other of a man of war; and all three practised pharmacy. Bruzaud, in surgery, had cured many whom Ferguson had not; and in physic he was not more fatal than his competitors: but he was advancing in practice, which was incomparably more offensive than ignorance to the other two.

Ferguson imagined the present moment was not to be passed inactive; that another such a commander in chief, on the calculation of human probabilities, could hardly arrive in a thousand years; and therefore he was determined to make his intended application. To prohibit Bruzaud from practising, after he had been approved by the surgeons in London, was a request which would have manifested a too glaring insult even on the understanding of Bentinck: he, therefore, represented the infinite mischiefs which Bruzaud had committed in the practice of physic, requested the legislative colonel to have him interdicted from that part, and by a true northern fly-

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* Act of the court, 21st of March, 1768.

† Act of the court, 24th of September, 1768.

ness obliquely introduced that which must rescind him from the practice of surgery also. The colonel saw nothing of this artifice; but received the two surgeons as competent witnesses in their own cause, and believed them in their accusations of incapacity in a man who was become obnoxious, by supplanting them in their business. The colonel forthwith sent a letter, under his hand and seal, to the court, for the prohibition of Bruzaud from administering medicine, because he was an alien; and for his being limited to surgery alone. He was not to bleed but in cases of accident and fright; and not to administer an internal medicine, but when it should be prescribed by either of the other two. This was, in fact, to rescind him from surgery as effectually as from pharmacy: for, if a surgeon be not permitted to bleed but in the two preceding cases, nor to administer a dose of medicine, how shall he cure his patients? An application to others, in such cases, was to lose his employment. Bruzaud must be rendered incapable of attending them, because the inhabitants of the isle cannot afford to pay two practitioners, and thereby this man and his family would be deprived of their daily bread, and the islanders of the attendance of a man whom they liked; and who had been successful in his practice.

When the letter came to the lieutenant-bailly, he beheld it with no small joy; because every act of folly and of arbitrary exertion in the colonel, was to be indulged as exhibiting an instance of equal culpability in him as in the brothers. * An act of the court, reciting the contents of the letter, as under the hand and seal of Bentinck, was immediately made, and Bruzaud interdicted in the

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* Act of the court, 13th. of November, 1770. Vide appendix, No. 18.

manner abovementioned. By these means the legislative commissioner was duped by a Scotch surgeon, to interdict a person from practising in his profession, on the accusation of two in the same business, who, finding their employments decreasing, thought it necessary to starve him to fatten themselves. With what intuitive discernment is this colonel blessed!

But there is yet a circumstance most astonishingly singular in this interdict of colonel Bentinck. Bruzaud was to desist from pharmacy, or leave the island, because he was an alien. Rudolph Bentinck, lieutenant-colonel in the British service, commander in chief, and commissioner royal in the island of Jersey, who ordered that prohibition for Bruzaud the alien, is himself an alien. The very act which settled the crown on the present royal family, expressly pronounces that no alien shall have any post in the army, or under the crown, not even though he be naturalized. It is high treason to write in derogation of that act. What then was the offence in that man who first advised, and prevailed, in 1761, in having this constitutional act so causelessly infracted, by granting to a foreigner those rights, which alone belong to British subjects, and which the king himself is incapable of bestowing. In consequence of this extent of indulgence to him as an alien, he certainly might have been less cruel to another, an alien like himself, whom no express law hath excluded from his profession; but among the slaves in Barbary there is a proverb, that one renegado is worse than ten Turks.

I shall now propose two questions to the learned in the law. The first is, supposing in the heat of valour, so natural to the colonel, he should lead his troops to some dangerous attack, such as that
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in America, wherein he was so dreadfully wounded, and brought from the field of battle in his sash; and that the soldiers should refuse to follow him, because being an alien they imagined him not to be a legal commander; could these soldiers who so refused to obey his commands, and intrepid example, be punished by the act of mutiny and desertion?

The second is, if colonel Bentinck was born first in Holland, and a second time in England, will this latter nativity make him a natural-born subject of this kingdom? I own, it is my opinion that it may be given for law; but as by the laws of England no man is to be believed as a witness in his own cause, it seems incumbent on the colonel to adduce such persons as were present at his second birth; which being done, there can then be no longer a dispute on his being a natural-born subject.

Though such testimony should not be found, there still remains a method of preserving the amazing talents, both legislative and military, of this great man, to this exhausted state, which stands so much in need of them. The hereditary prince of Brunswick was by an express act of parliament enabled to command the armies of Great Britain. Perhaps his military talents may indeed be deemed equal to those of colonel Bentinck. But as a legislator does he resemble him in the least? I flatter myself that when this chapter shall be read by the hereditary prince, he will readily acknowledge that he bears no comparison with the honourable Rudolph Bentinck, the Jersey legislator.

I shall give one other instance of the colonel's supporting the rights and dignities of the crown, and then conclude those facts, on which I propose
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that the demonstration of his judicial talents shall be founded.

Philip Bandinel, esq; of the island of Jersey, being incapable of discharging his debts, renounced his estate, which consisted of the fief hautbert de Melechès, and, by a decree of the court, possession was given to his creditors. Mrs. Harman, as guardian to the son of Bandinel, disputed that decree, and the attorney-general, as receiver of the royal revenues, took possession of the fief, and claimed it as belonging to the king, from whom it was held in capite.

Mrs. Harman founded her claim on the estate's being entailed, and Philip Lempriere considered an act of insolvency as an act of felony, by which the fief was forfeited to the king, that is, to himself, as farmer of the revenues.

The causes were brought on the 24th of November, 1764, and then deferred to the 5th of September, 1765. At this time the farming attorney disputed the action, or writ sent to the receiver, because the word general was not added to that of receiver. The opponents insisted there was no occasion for that addition, and that it might be then inserted, by order of the court. The former general prevailed, and the cause was again deferred to the 20th of June 1766.

The court then determined, that the creditors should be possessed of the estate, during the life of Bandinel; and, after his death, that it should revert to his son. By this determination, the creditors, who were in possession of the estate, were divested of all their debts upon it; because they had already paid to the other creditors as much as the life of Philip Bandinel was worth. The debt to Fiott amounted to more than a thousand pounds; and the whole estate, when sold, would

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not discharge, by almost one half, the debts which the tenants, or creditors in possession, had upon it.

The claim of the farming receiver was too scandalous to be countenanced, and he was ordered to settle his accounts before the greffier.

The tenants in possession appealed from the decision of the court, respecting the determination in favour of the minor; and Philip Tempriere from that against him, because the court would not consider Mr. Bandinel, by being insolvent, to be a felon. This cormorant had the confidence to imagine that lord Albemarle would interest himself in his iniquities, because as governor the fief would have fallen to that officer, of which this farmer-general was to derive the advantage. But he was mistaken in his conceptions, that all men are as little influenced by motives of integrity, as himself; and thus being disappointed in his expectations of support, he proceeded no farther in the appeal.

It was evident that Fiott's being interested so largely in this cause, had operated in the decision of the court of Jersey, and given him the least possible property in the estate of Philip Bandinel. In 1770, the cause was heard before council; the determination of the court of Jersey was reversed, and the creditors put into absolute and full possession of the fief.

The farmer-general refuses to give in his account, and to settle the income of the estate from the time in which it was decreed to the tenants in 1762.

Fiott, being the largest creditor, was the acting tenant for the fief of de Meleches; and on the first day of the court of heritage his son attended that court, and demanded his right. And here I must

must explain, that on such days all the tenants who hold in hautbert, or from the king, are called in succession, and their place of precedency constitutes a great part of the value of the fief. Of these fiefs there are but five; the first is that of St. Ouen, the second of de Meleches, and the third of Roselle. During the time in which Philip Bandinel's affairs were reduced to the utmost embarrassment, and the fief of de Meleches must be sold, the lieutenant-bailly had obtained from him a permission that the seigneur de Roselle should be called in court before that of de Meleches; and during these law-suits, the name of the seigneur de Roselle had been called before it.

Young Fiott demanded the right of de Meleches, and that the tenants now in possession should be called immediately after St. Ouen; and said, he could get no advocate to plead his cause. Colonel Bentinck was then on the bench; he asked, if Fiott had applied to all of them? He was answered, to all but Mauger and his son, of whose infidelity to Fiott so much hath been said; and that advocate Payne and Pipon, now attorney-general, and who had been employed in the cause, had both refused to plead, because it was against the lieutenant-bailly. As Bentinck was present, the two brothers said the advocates were in the wrong not to plead against a magistrate; but they gave no orders to either of them to defend the cause. It may be remembered, that in his own cause this lieutenant-bailly took Dumaresque from Fiott, and ordered Payne to be his advocate, because then it was his interest: it was his interest now that Fiott should have no advocate, and none was assigned him.

Bentinck said, do not the advocates take an oath to discharge their duty? The barristers remained dumb.

dumb. But Joshua Pipon, father of the advocate of that name, took upon himself the defence of his son, and said, if the advocates think the cause to be not right, they are not obliged to undertake it. And with this answer Bentinck was contented; although he knew these advocates had thought it right, and had been employed in that very cause of de Meleches.

The fief of de Meleches was, by *order of council, on a contest concerning precedency, between de Meleches and Roselle, determined to take precedency next to the fief of St. Ouen, and before that of Roselle.

Notwithstanding this order of king and council, the lieutenant-bailly had the face to prefer the permission of Philip Bandinel, who had no power of altering the privileges of the fief and to assume a precedency on the force of that concession, the court in consequence of it made the following act. In the year 1761, May 7th, by the consent of Philip Bandinel, esq; lord of the fief de Meleches, and of the deputy attorney-general, Charles Lempriere, esq; seigneur of Roselle, hath been received to have precedency, and to answer to the chief pleas of heritage, immediately after the lord of St. Ouen, and before the lord of de Meleches.

Against this effrontery of the bailly's deputy, of abrogating an act of king and council, by the act of the court of Jersey, Bentinck never interposed to protect the rights of his majesty, nor commanded an advocate to plead the cause of Fiott. The seigneur de Roselle had the hardiness to treat Fiott as an audacious person, who pro-

* Order of council, 20th of July, 1715.

proposed to place himself above the old noblesse of the isle, when that very Fiott is himself as well descended. His father is certainly equal to the mother of the lieutenant-bailly ; and his mother a Dumasque, of better birth than the Lemprieres. Charles Lempriere is the first of that name who ever held the fief hautbert of Roselle, and now in right of his wife ; and it was not personal but territorial right, which was the matter in contest : but justice is eternally to be denied a Fiott. Indeed if the illustrious actions of the Lemprieres which I have related, be brought in competition with those of Fiott, I confess the latter has no such by which to distinguish the heroism of his ancestors ; he pretends to nothing but the humble deeds of honesty.

The lieutenant-bailly was so perfectly acquainted with the talents of colonel Bentinck, that he not only took every occasion to amuse himself by indulging his foibles, but sometimes created occasions to insinuate his esteem for the colonel by these means, and to feed his vanity with an exuberance of the plum-porridge of adulation, which is the colonel's most favourite *ragout*. Among others, when a ship arrived from England, the subtle Charles assumed that opportunity of telling the colonel he had just received a letter from England, that lord Albemarle could not live a week ; and probably that he was then dead. To be sure, says he, we have lost an excellent, a very excellent governor ; but if colonel Bentinck be to succeed him, we shall have no reason to lament : and, colonel, if my poor interest can add the least service to you, you may command it. I have some interest, sir, and you, colonel, have very great interest indeed. The colonel replied, to be sure he had very great interest indeed. Lempriere, in silent derision, left the colonel,

lonely, whom by this fallacious account he had exposed to a most ridiculous credulity. Bentinck immediately told the secret to his friends, and his resolution of applying for the place; and as he increased in self-importance, he became a more complete object of ridicule to others.

On another occasion an experiment was made of his vanity in the following manner. Colonel, said a certain person, you must inevitably be made an ambassador, after you have finished this negotiation with so much honour to yourself. Why, I believe I shall, I do expect it indeed. And a few days after he said to another person, he had hopes of being sent ambassador to the states of Holland. You know, says he, that is my own country, and to be sure I should be glad to have that honour in my own country. Does he think the act of settlement is eternally to be violated in favour of a man, who must expose the kingdom he represents, by the folly which he exhibits in executing that charge? Let it be no longer high treason to write in derogation of the acts of settlement, or let the people's rights be preserved by it.

SECTION

SECTION II.

of the lieutenant-bailly. This was certainly a judicious choice, either in the commander, or magistrate in chief. We shall therefore who was the most expert in what he was about.

With the opponents of tyranny, he was the defender of the Lemprieres, and innumerable instances of their oppression.

Colonel Bentinck being thus entered on a new theatre of legislation, found himself like Nell in the Devil to Pay, attornished at the place into which he was gotten: but being happily possessed of one quality which is worth a great number of others, he relied on that for executing with honour his majesty's commission, and first of all, he sought assistance from the lieutenant-bailly. This was undoubtedly a most judicious commencement, as he was commissioned to reconcile the discontents between the magistracy and the people. The seigneur de Roselle promised it with the utmost frankness; and as he and his brother were the sources of all the miseries which the islanders had undergone, undoubtedly he performed it in a manner by which their iniquities might be best discovered.

On the opposite party, also, he had his counsellor, who knew the immediate causes of their complaints; but saw not the defects in the constitution from which they originally arose. The petition of the islanders also was a clue to lead him through the maze which he had entered, if he could find the end at which it began. Pipon, the nephew of the Lemprieres, was employed in selecting those laws which contradicted each other, because he would certainly chuse the most likely to reduce the power of his two uncles Lemprieres, his father, and another uncle, who are jurats; the two latter of whom had been adjutants in the service

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of the lieutenant-bailly. This was certainly a judicious choice, either in the commander, or magistrate in chief. We shall soon see who was the most expert in what he was about.

With the opponents of tyranny, he was the detester of the Lemprieres, and innumerable instances of their oppressions, taken from acts of the court, affidavits before himself, certificates and other authentic evidence, were delivered into his hands; so that nothing could be wanting to demonstrate the diabolical jurisdiction of these brothers. The oppressed expected freedom from their tyranny. The Lemprieres knew their man, and thanked the devil for sending him. They had bound him by delusions already mentioned, and they had no apprehensions but that means might be found to strengthen the chains; so that he should not escape their vigilance.

The first employment of the new legislator in the states; in order to quiet the minds of the people, was to settle the distance of planting apple-trees; and mending the high roads, concerning which there had been no quarrel; and from both of which the people were averse. This single circumstance happily exemplifies how nicely the colonel was formed for preserving the insular tranquility. Such was the circumstance of things when the writer of this narrative came to Jerley. He was totally a stranger to colonel Bentinck. He never received the least favour from him whilst in the island; though, he confesses, he dined with him, more than once, at other people's houses. However, the colonel thought proper to desire he would correct his Reports, which were speedily to be transmitted to London. This request was readily complied with, and the colonel hath since assured this writer, that he never

made the least use of them. The secretary of state will be a perfect judge of the truth of that assertion if he shall be pleased to compare those which were transmitted, with these which are inserted in the Appendix.

As the colonel says, he made no use of them, and I have no other authority so authentic, to exemplify his legislative capacity, I shall take the liberty to print them, as the best proof of the colonel's ministry in foreign parts; and from a comparison of them with what ought to be done, the reader will best be enabled to judge of the execution of his commission.

When the reports were read by the writer of this narrative, they appeared not only to be totally deficient in grammar, which is pardonable in a foreigner, but in method: and the colonel's ideas were so completely enveloped in ambiguity and obscurity, that they seemed to be perfectly unintelligible. So that, as a link-boy told Pope, it was easier to make ten new ones, than to mend these. As it was impracticable to comprehend the objects of the separate articles by the words, the order was inverted; and the words were attempted to be understood from the objects, which were known to this writer.

In consequence of this difficulty it became impossible to correct the sheets which were given by the colonel. The whole reports were new drawn, and every thing neglected except the ideas of the legislator, as far as they could be collected, and be faithfully expressed, without addition or diminution, alteration for the better or the worse, in order that his legislative knowledge might not suffer by misrepresentation but be conveyed in a manner to be understood in its full excellence.

Whatever be the errors in the style of these reports, those are justly to be attributed to the writer of this Narrative. And whatever be the merits of the ideas, which they contain, these are to be ascribed to colonel Bentinck only.

The preamble to these reports expresses, "that the inhabitants of Jersey, by their petition, humbly conceive, that the most effectual method of re-establishing the public tranquillity, and restoring mutual confidence between the magistrates and the people, would be, his majesty's most gracious establishment of the several articles of their petition; and that colonel Bentinck was to examine into the matters contained in it." I shall now enquire with what judgment he has executed his majesty's commission.

He begins his account with relating the causes of the tumult on the 28th of September 1769, and in this "he declares the aversion of the people from their magistrates is almost universal. And that this aversion arose from the corn not being carried to market, but disposed of by private contracts to the bakers; and that the industrious poor were obliged to purchase their bread from these monopolizing bakers, who were supported in their oppressions by the farmers of the revenue, and other venders of grain. In the second place the taxation of corn-rents was kept up through the year, to a very high price; and that this was another cause of the tumult."

"The fifth article relates to the same affair, and to the making an act for the exportation of corn, when it was so dear, and only a limited quantity could be imported from England.

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"The sixth article is to shew the manifest self interestedness and oppression of the preceding act of exportation when the sent corn was fixed at a more excessive price than had ever been hitherto known."

All that is contained in these articles is nothing more than a repetition of that which had been said in the printed reasons to support the petition. These are written in that timorous style which is the natural consequence of a person's delivering his sentiments against tyrants under whom he has long groaned. It means to destroy, and yet depressed with apprehension, it affords not a proper description of their villainies, and it defeats the purport for which it was undertaken. The person who drew those reasons was the colonel's great counsellor; he had exhausted himself in that performance, and there remained nothing to communicate but what he had already published.

And now I desire the reader to peruse the reports in the Appendix, and to compare that account of the origin of the tumult with what has been delivered in the preceding chapters on that subject. And then ask himself, if he could have understood the real cause of it from what is said in the articles. And I would gladly know, by what motives colonel Bentinck hath been induced to omit the circumstances of hoarding the corn, in order to create a pretext for the exporting it, and thereby of inflaming the price. Why hath he ascribed the cause of this excessive price to the common conduct of all the venders of corn, and not to the specific iniquity of the two brothers, who were the sole origin of those commotions? why has he not explained the means, and shewn the manner of that famishing collusion between the brothers and the bakers; and by what method it be-

became their daily practice and joint interest to starve the poor? Should he not have exposed their iniquity, in permitting these bakers to make their bread of what size they pleased; and the heinousness of converting those villains to an inquest, to support the extortions of Philip Lemprière, the farming attorney-general?

When he speaks of the high price of the corn rents, as being another cause of the tumult, why does he omit, that this tumult is more particularly to be imputed to the farmer-general, who exacted six pence an English bushel for the rents due to him more than others received? Has he not concealed also, the oppression of his refusing the corn, unless as much money was added to each bushel, as made it six pence more than the market price? And wherefore has he laid the mischief of farming the revenues indefinitely on its being granted to the magistrates in general; and not explained that particular aggravation of that mischief, by its being in the hands of the lieutenant-bailly and attorney-general?

From one moment's reflection on these considerations, will it not appear impossible to conclude otherwise than that these circumstances, and many others, so essential to the imparting an idea adequate to the explanation of the origin of this tumult, have arisen either from ignorance of the facts, or from design, to cover the iniquities of the Lemprières from his majesty and his council?

If this description be the effect of the legislative colonel's exertion of his utmost endeavours to obtain the best information of these facts, and to determine of the truth of them from the motives by which they were produced, what must we conclude of his capacity? The facts are certainly well known in the island. In that place I collected

them. They are no secrets. Every ploughman in the isle is acquainted with them; and they were more than a hundred times recounted to the colonel. Has he not then a sufficiency of intellect to distinguish these facts as the causes of the tumult? and is that deficiency to plead his apology for relating them in a manner so egregiously defective?

Let us now view him on the other side, and suppose him perfectly acquainted with all these things, and with talents equal to the laying of them intelligibly before the council; what must be then determined of the integrity with which he hath discharged his legislative commission? On whatever side the reports be viewed, they offer a most conspicuous deficiency. If the colonel prefers the former, his imbecility appears to be excessive: if the latter, let him exculpate his delinquency if he can.

But in whichever of these lights it be surveyed, the careful concealment of the names, offices, combinations, and peculiar transactions of the Demipheres, in the representation of affairs so signally notorious, bears the strongest marks of a culpable partiality. And had the brothers purchased an apologist of their conduct, it could not have produced a more favourable effect with regard to them; nor have proved a more destructive report to the unhappy islanders. To omit every circumstance relative to the preceding tumult was impracticable, because some cause it must have had; some must therefore be assigned.

Should a person be shipwrecked on an unknown coast, and find the trace of human footsteps in the sand, must he not be deemed the most ignorant of men, if he did not conclude that the country was inhabited? Review the

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conduct of the Lemprières, and compare it with the preceding articles in the reports; and the genuine impressions of their conduct must be so evidently discerned, that nothing but the most absolute incredulity, or ignorance in the characters of men, can prevent their being discovered.

The third article is intended to explain "by what means these farmers have connected themselves with others, who participate in the farm, and have obtained an arbitrary power, and an inexpressible influence over the people; so that in all elections of representatives, and other officers, those only are chosen who are nominated by the court, and the rights of the people are well nigh annihilated, and that the farmer, the judges, and the prosecutor, being all participating in the fines imposed on offenders, every arbitrary intention was carried into execution."

The first part of this article is not to be understood but in a sense diametrically opposite to its meaning, as if the profits of the revenue, so farmed, were divided among the judges and other persons who had acquired this power. But the fact is, as it hath been already related. The farm is solely appropriated to the advantage of the brothers; and what is here meant, are the tythes which are let to those oppressors in the parishes who being their agents of malignity, harass and distress those parishioners who shall dare to utter a single accent against the enormities of the Lemprières? Can this intelligence be derived from the preceding account?

The latter part of this article, which declares "that there was nothing to interpose between the intentions of these men and the executing of them, is certainly true; and that all fines do in a great part go to the farmers of the revenues; and

that those who moved for such fines, determined and received them also, is an undoubted truth. But why is this iniquitous conduct distributed among the whole bench, who have no participation in these fines, when it belongs to the deputed name-bailly and attorney-general alone? Why is the nefarious manner of their obtaining in forfeitures, of seizing, imprisoning, trying and condemning inoffensive subjects, so artfully secreted from the view, and not one instance of their tyrannies exhibited to detestation?

The fourth article relates "to the suspending of the fines of individuals, and at length with settling these fines by judges, who were not present at the trials and condemnation, and who fine them according to the pleasure of their prosecutors." This also is a piece of plagiarism, from the reasons in support of the petition, and of which in favour of the attorney-general the most culpable part of the transaction is omitted. No instance of the causeless, illegality, and excess of the pecuniary fines. No mention of the ignominious impositions which they impose, in being destined to the *colu* *non* of the *amende qualifié*. All is alike general in this, as in the former account.

Does it become a person entrusted with the momentous concern of enquiring into the causes, and of settling the disputes which subsist between the magistracy and the people, where the aversion of the latter is confessed to be almost universal, to generalize the motives, as proceeding from all the magistrates, which were specifically consecutive of the brothers only? to seem to assign the causes, and yet to conceal them? to mark no persons as particular delinquents, where two only are the great criminals? and thus by abstaining from the declaration of their names, produce the same effect as if none

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of their iniquities had been mentioned & such in its finite and unspecified accounts, not only envelopes the whole transaction in unintelligible perplexity, but almost infallibly precludes punishment because the whole criminality becomes an abstract Idea, not applied to particular persons; and thus the misdeeds of which they are accused in general terms, levels all distinctions of offenders, and operates as an exculpation in favour of the most egregious and indefensible criminals, equally with those who scarcely transgressed or hardly so. Is not the cloven foot of the squire de Roselle too visible in this guileful misrepresentation of the preceding misdeeds? Could those execrable breaches of the law, outrages on equity, and sentences which doom the innocent to infamy have been thus gagged in silence, guile so that by this garbled account there were not remain no others than such as would produce an inefficient charge upon every body, and of consequence an infliction on none.

Had the brothers directed the pen of Colonel Bentinck, could he have given a more partial delineation of their iniquity? This disposition of things exhibits a stretch of subtlety, and knowledge of mankind, far the usual method of representing the circumstances of things to the country where all have been hitherto evaded or denied; that exceeds the cunningness of Colonel Bentinck, as much as the monument does a nine pin in height. It is not however the legislator's good will to these brothers, but his capacity that I doubt.

Such is the explanation of the cause of the tumult, and of that almost universal aversion of the people from their magistrates. If those who have read can understand the true description of these affairs from what is delivered in the reports, they

they must be more than common men, and endowed with the gift of divination. Yet such is the nature of suspicion, founded on consciousness, even this unintelligible account, proceeding from a person, who is acquainted with the whole transaction, seems to be dreaded as capable of exposing these iniquities to the council; and in consequence of that dread, he discloses the whole by his vigilance to conceal it. I remember, an old woman who had murdered her parish apprentice, and had regularly buried her. She was so suspicious of the body's being taken up, and the wounds discovered, that she walked round the grave all night with a lantern. This care to prevent discovery, incited a curiosity to enquire into the cause of it, for she was of ill fame. The murder was disclosed; justice was accomplished, and the old woman was hanged at last.

As a result of this watchful intention to strangle all enquiry, it is said "that lord Albemarle, having abolished the farming of the revenues, and appointed a receiver with a fixed salary, and given him instructions to alleviate the hardships of the people, in many respects, the complaints of the petitioners are attended to, and the causes of several of them removed."

According to this account the petition was addressed to lord Albemarle, and not to the king; for it is he who hath attended to this petition. However that may be, it should seem that the causes of their complaints on this subject are removed. What a divine spirit of legislation is exemplified in that conclusion! The abolition of the farm, at the will of the abolisher to restore it, and instructions given to alleviate hardships, have removed the causes of complaint. Lord Albemarle would undoubtedly have persevered in
his

his designs and instructions, had he not been seduced from his intentions. But what will colonel Bentinck offer in his defence, when I come to prove that he has circumvented the benignity of his lordship, and restored as many of the oppressive circumstances of the revenues being farmed by the brothers, as it was in his power to have performed?

But is lord Albemarle immortal? Is it unquestionable that his lordship can change his mind? May not the same insidious artifices be exercised on him, which compelled lord Cobham first to let the revenues to farm? Has not the placing the receipt in the Lemprières nephew, annihilated a very great part of the utility which would otherwise have arisen from the revenues being unfarmed? Is the bread of two and twenty thousand inhabitants to depend on the will of a single man? Would a legislator of common sense have conceived, that under such precarious circumstances the causes of complaint are removed, and have offered them to king and council, as a permanent and satisfactory settlement of the most important point of his commission, and which he offers as the cause of the revolt?

If the resolutions of men afford a stability of conduct to be confided in, wherefore were laws established? To derive a consequence that all subsequent governors will be equally disposed to mercy with lord Albemarle, where interest obtrudes a contrary disposition, is to conclude in opposition to those principles which actuate the human race, and on which all laws ought to be instituted. It is to let men loose to the exertion of those propensities, which every legislature hath attempted to restrain. This is certainly a refinement in legislation, not to be found among the pan-

pandects of the seven wise men of Greece. It is
 due alone to colonel Bentinck. Is it needful to
 make laws to restrain men from committing in-
 justice in cases where the power of criminality
 must remain for ever, because one governor has
 given instructions to have that injustice removed?
 instructions inefficacious after his death, and sub-
 ject to revocation whilst he is living. On this de-
 pendance the legislative colonel hath placed the
 sustenance of a people, and declares the causes of
 their complaints are removed.
 Charles, Charles, seigneur de Roselle, de Dil-
 lamont, de Savalle, &c. uncontaminated descend-
 ant, and full, inheritor of the loving kindness of
 thy merciful progenitors, I see thee dictating this
 admirable display of legislative science. Self-suffi-
 ciency is the legislator, and craft leads this pur-
 blind vanity, by the string of self-interest, to in-
 vert the order, and disappoint the design of being
 delegated to a charge so momentous. But, Char-
 les, remember the fate of the too vigilant old
 woman! as Tithes are purchased as usual
 Who corn should not be exported from a coun-
 try, which in seasons the most propitious, cannot
 produce a sufficiency for the bread of the inhabi-
 tants, is an indubitable truth. But the price of
 grain in Jersey has not been owing to exportation,
 for that design has not been carried into execution.
 The chief cause is owing to the receiver of the
 revenues; and that affair colonel Bentinck hath
 not only left as he found it, but he hath replaced
 it almost in its former power of mischief; and well
 nigh abolished those means by which Lord Al-
 bemarle had endeavoured to annihilate the prece-
 ding mischiefs.
 Yet is there nothing so easily to be accomplished
 as an absolute inhibition of the oppression which
 arose

arose from the receipt, the combination of the bakers, and the endeavours of those who receive corn rents, to raise the price to an inordinate degree. A few words, by order of king and council, will extirpate every power of making an ill use of that instability of rent, and prevent all the mischiefs of a sinister influence over those who vote for every office in the island, which regards a popular election.

Let the wheat rents be henceforth paid in money; let the price of that grain be taken from a medium of the last twenty years; and let that for ever constitute the value of a quarter of wheat. Let that value be established by law, as the price which shall be paid and received, and all contention and tumult concerning the various prices of corn rent is at an end.

In like manner in relation to the tythes paid to the governor, which are of such a regidus influence in elections. The settlement and the appropriation of that source of mischief is attended with equal ease. Tythes are purchased at so much a verge, land measure. Let the price of each verge of every kind of grain be fixed, and the tiller of it have the preference to purchase, and there can subsist no longer a dispute on that subject. The receiver loses all his power over the people; none can be favoured at the oppression of another; the villainy of the sub-farmers is at an end; the people are emancipated from their extortions, and restored to the means of electing their representatives with freedom.

These are means so effectual of rescinding all tumults from the preceding causes, so obvious to every understanding, that the omission of them can only be ascribed to the influence of the Lem-prires; for though I am willing to allow the

want

want of knowledge in the Jersey legislator to be superabundant, yet in this instance it must prove an unpardonable indulgence.

I shall now examine those subsequent measures which have been carried into execution on the colonel's representation, which, as he says, appear to be of the greatest consequence. The colonel must have a strange imagination to conceive that Nos. 1, relative to high roads; No. 2, relative to chusing constables; No. 3, regulating markets; No. 4, regulating the measurement of land; No. 5, regulating and abbreviating law-suits, are matters of the greatest moment in the petition, after that of the causes of the tumult, which are left untouched. However, let the importance of them be what it will, he assures the king and his council they are all executed without intruding on the spirit and intention of Rouillé and Terriën.

These reports were written in the beginning of last September. Colonel Bentinck had been then full three months a legislator. Is he of a capacity so swift and comprehensive, that he had studied Rouillé and Terriën, the grand customier, and the old Norman constitution, and was become so professed a master of the two preceding writers, that he can be sure he has not obtruded on their spirit and intention? The application necessary for that accomplishment, would have been a tying to a stake indeed, though not to one in America, in order to be roasted by the Indians. I will not say that the colonel has never read Rouillé and Terriën, but I am positive if he has, he could not have understood them in three months. It will cost the best understanding in England a twelvemonth to comprehend the law terms and phrases; and Rouillé and Terriën cannot be then understood without the knowledge of the
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Norman constitution; and though the edge of a Dutch genius be so much more acute and pervading than an English, I question whether the colonel could have acquired a sufficient information of the matters contained in these law-writers in twelve months. But if the commissioner royal has not caught the spirit of Rouillé and Terrien, he has availed himself of another, which on many occasions is not less useful.

But why do I confine the colonel to the knowledge of Rouillé and Terrien, when it is plain "he has read all the commentators of the Norman law, with a view to reduce it to its genuine practice, and to correct the many abuses which have been introduced at various times, and on several occasions," and all in the same three months. These commentators consist of a great number of folios, and as I can only judge of one man's capacity by what I have found in others, I have no conception that an Englishman could have read the tenth part of them in that time; and reading is not understanding; I mean till it was shewn in these papers by colonel Bentinck. However, relations are not always untrue, because they are marvellous; for much depends on the veracity of the relater. And as the surgeon in Joseph Andrews had constantly the works of Hypocrates and Galen in his pocket, why may not colonel Bentinck have the Norman commentators in his head. The latter is as possible as the former.

If this be the case, as the colonel talks of visiting Russia to teach the art military to the Muscovites, and as I suspect to assist the empress in her new code of legislature, I would advise him to keep this his wonderful capacity to himself; for certainly should it be known, the Tartars will put him to death, in order to inherit his understanding.

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I am afraid, in the colonel's close application to the two French law-writers, he has neglected a due attention to the orders of king and council, otherwise he must have seen that the duration of law-suits is perfectly well regulated ; for I am persuaded, that although he be an indubitable novice in the Latin language, he could have understood it full as well as he does Rouillé and Terrien.

As I have not seen the papers, No. 6, relative to successions, renunciations, and decisions of rights, &c. yet I applaud the colonel's sentiments "of improving the conditions of the islanders, as far as the present dispositions and private interests of the states will permit them to agree, rather than renounce every benefit which he proposed, and thereby leave this affair in its former power of vexation and cruelty."

This breathes the divine spirit of a Solon. That legislator, on being questioned why he had not made the Athenian laws more perfect, answered, he had made them as perfect as the nature of the people would admit ; and he lived to see his system demolished and himself an exile. But since the dispositions and private interests of the Jersey states will not permit them to agree to those of the public utility, should not the colonel have reflected, that the sole legislative power, respecting matters of such importance, is absolutely in the hands of the king and council ? and that when those, who should preserve the people's right in Jersey, will make no ordinances but such as are coincident with their own dispositions and private interests, that their sovereign will ? and therefore instead of passing an act in Jersey, corresponding with such selfish designs, should not an explanation of their perverseness and partiality have been represented to the council, before he had given his consent to it ?

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But the colonel prefers the making a foolish law, and exposes himself by discovering it to his majesty.

No. 7, also, it has never been my happiness to have seen; but as it is to prevent the arable lands from being converted into orchards, and not an object of the petition, the Islanders conceived this act to be a stretch of arbitrary power, in the colonel, interdicting the use to which they think they are entitled to apply their private property. It seems these Jerseymen chuse to have some cyder with their bread, and do not conceive that land employed to produce barley, and then ale, is of more consequence than when it is applied to the producing apples, and then cyder. So that the legislator who was sent to quiet the minds of the people, has not a little discomposed them by this act.

With the No. 8, also, I was never indulged; but it relates to the taxation of corn rents, and is not carried into execution, because, as it is said, "it was the primary cause of the late disturbances," and is referred to the council. And yet with this subject the states must be better acquainted than the council: and therefore it is referred to the latter. And thus the sole cause of the colonel's legislative commission is left unremedied.

The preceding measures are those which have been adopted by the states, on the legislator's representation. I am now come to those which relate to him single handed; "and first, with regard to those most essential articles of importation and exportation, under the title of Observations. No. 1, is an act on this subject, which the states proposed;" but it does not coincide with the colonel's ideas, and thinking it a matter too difficult and important for his determination, he has trans-

mitted the act and his sentiments together, and awaits their lordships resolutions.

The four first articles of the petition are those relative to importation and exportation. The colonel must have seen these petitions before he solicited the office of special commissioner. Why then did he undertake the transacting those affairs, which are too difficult and too important for his determination? Why, Charles and Philip Lem-priere thought him the properest person in the world for that undertaking, because of his very ideas, sentiments, and indeterminations. They held the candle to the small coal of vanity, and the colonel took fire in an instant; but I do not assert, that they held forth nothing else to the colonel. The act, prohibiting the exportation of corn, is since ratified, by order of his majesty in council.

The paper, No. 2, relative to the re-establishment of a solicitor-general, is on a subject, the propriety of which no man can dispute. It was requested in the petition; it is recommended to the colonel; it has been complied with, and I shall shew that colonel Bentinck, by his skillful conduct, subsequent to these reports, hath exerted his utmost endeavours to render it ineffectual to the islanders, and hath prevented the great advantages which might otherwise have been derived from it.

The paper, No. 3, relative to the money of order and of currency, is on a subject which deserves attention. In what manner it is drawn I know not. But I should be glad to be ascertained whether the case of the lieutenant-bailly's extorting money of order, for rents due in money of currency, related in the preceding pages, be, among the certificates, expressly mentioned.

Such

Such are the subjects transmitted to the council. "The colonel then describes the inconsistency and absurdity of instituting new laws, diametrically opposite to those already made, without abolishing the former; and that three times in the year, at the court of heritage, all laws, however contradictory or absurd, are renovated and confirmed; and that the administration of justice is consequently dependant on the judges, and on their selecting from these laws, those on which they intend to found their judgment; and that this perpetuation of the laws is in direct opposition to an order of king and council."

Besides this absurdity, respecting the order of council, there is yet another; "the judicial court takes upon them to renew and confirm the laws made by the states; and thus they offend against the king's orders, and their own constitution at the same time." It is a mistake also that these laws are renewed three times in the year; it is done but once only. But whilst I am enumerating the mistakes of others, let me not omit my own. I have said that the jurats are sworn three times in the year. The truth is, they are sworn only at their entrance into office. I am mistaken also in the days on which the courts are held. The court of heritage is on a Thursday; of catel, on a Tuesday; and the court de billet on a Friday, during term time; besides the Saturday's court almost through the year.

By the consideration of the preceding affairs colonel Bentinck informs their lordships, "he is animated to undertake the collecting of those things, on which something like a code, or system of political government may be formed, and the absurdities and mischiefs of their present contradictions be averted; for such has been the anarchical and

inconsistent state of the legislature, that on some occasions laws have been instituted by the states, and at others by the magistrates of the court alone." This is prevented, by order of council, the states alone have that power; and their ordinances are to have no force of law till ratified by the king.

This collection, it seems then, is to be the materials on which something like a code, or system of government is to be formed; as like, I dare to assert, as a footerkin is to a human creature; and my reasons for it are not only the manifest insufficiency of colonel Bentinck, but because he subjoins, that the lieutenant-bailly hath promised him his assistance; *Timeo danaos dona fercentes*. "However, he has taken two other persons, the most capable of giving the truest information, with whom he is constantly employed in selecting, and in new modelling things, so as to form a collection, which with those alterations and improvements that may be thought proper to be made on their being transmitted to their lordships, may answer to the petition of the inhabitants."

What this collection may be I do not know, but I suspect, because the lieutenant-bailly has afforded him his assistance, and Thomas Pipon, his nephew, was the man who made the collection. I humbly conceive that these two persons will not be extremely careful to collect such things as will most effectually answer the petitions of the islanders, because Charles and Philip Lempriere, lieutenant-bailly and attorney-general, Ricard, his uncle, and Joshua Pipon, his father, with other jurats, have been labouring to destroy the inhabitants, from the moment they began their magistracies. There was no necessity for applying to those men. Mr. De Carteret, a jurat, who was many years greffier, an upright man, and intelligent in the laws of
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Jersey ; and his son, the present greffier, would have been those to whom common sense and common honesty would have applied. And I verily believe that this application for intelligence, and direction to persons so circumstanced, is a stretch of wisdom unexampled before this time in any antecedent legislator. It is not common to rely on those who have committed the evils, for the means of remedying them. But, as Mr. Bayes says of writing, this is the new way of legislature.

However, as the colonel was constantly employed with them in new modelling, and from what has been said he must be an excellent modeller, there can be no danger of their playing him tricks. He is inspired with the spirit of Rouillé and Terrien, and master of the Norman commentators. As to his constant employment, all Jersey knows it, to a man, that it consists in running from house to house, in riding and sidgiting from place to place ; but then the colonel declared to his friends, that he spent the whole night in studying legislature for the public good. These nocturnal studies, however, could not have been performed in company with his assistants, because they were asleep in their beds. I had forgotten to say, that the colonel asserts he drinks strong coffee to keep him waking. I advised him to take his natural rest ; and assured him that after a good night's sleep, he would be enabled to think as effectually in one hour, as in all the sleepless nights which he had passed. He thanked me for the advice, and said he would observe it. Such are the contents and examination of colonel Bentinck's first paper of *reports.

The second paper contains the improvements of the administration of justice, which colonel

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* Vide Appendix, No. 19.

Bentinck suggests to the king and council, "It consists of an inhibition of commending criminal causes upon reports or informations, unless upon oath; and advises that every jurat be authorised to administer it." These regulations would undoubtedly be of great utility, but it is with the colonel's understanding, as with that of an unskillfull mechanic, he spoils the instrument he is making, by the imperfect manner of putting the parts together which are made by other hands.

This information on oath, he proposes, "shall be made in the presence of the person accused, so that the offender must be seized and brought before a magistrate, antecedent to the information. Now, other legislators have thought it necessary that an information, on oath, should be previously made, in order to authorise the caption of the accused. There seems to be a strange inversion of common sense in this colonel. Did he believe an offender will come a volunteer before a magistrate, and send for the person whom he has injured, in order that the latter may make information on oath, against him, when he is present? Let us suppose the colonel could be robbed of his legislative faculties, and he wrote a civil letter to the thief, and desired that he would favour him with his company at the chamber of the lieutenant-bailly, does the colonel imagine he would obey the message? Not in Jersey, I am convinced, but in England he would, because all thefts must be proved, and he would be safe from danger at his trial.

According to this specimen of the articles which are to constitute one of something like a code of laws, must not that code be very singular? The legislator, in order to avert the injustice of accusing, seizing, trying, and condemning persons on reports,

ports, and unsworn informations, hath provided that no villain shall be brought to justice, unless he please to come a volunteer. I am humbly of opinion, that trusting to the propensity of thieves and murderers towards doing justice on themselves, is not safely to be relied on in the formation of a new code of government.

"The nature of the offence, however, is to be specified by law;" but it does not appear to me that this specific distinction can be of great service where offenders cannot be brought to judgment unless they chuse it. But the laws are already sufficiently specific; and it seems amazing the colonel should not have discovered that truth in Rouillé and Terrien, and the Norman commentators he hath studied. Had not that discovery unluckily escaped him, he would have found that Charles and Philip Lempriere have changed the denomination of offences, in order to punish the people, and strip them of their property; and if a few of the numerous instances of those which have been deposed on oath, and otherwise given to the colonel, had been exhibited, I am apt to imagine that the legislator would have executed his commission with more propriety than he has done.

"These offenders are either to be bailed or committed, according to the nature of the offence." But should not they be taken by law, before they are bailed or committed? Is not that dividing the bear's skin before he is caught? The omission of that single circumstance makes no small difference in this affair. In the novel, called Joseph Andrews, after parson Adams hath been discharged by the justice of peace, there arises a quarrel among those, who brought the divine before his worship, to whom among them the reward would have be-

longed, had the parson been committed to prison as the real culprit.

Is not the colonel of a capacity something resembling that of those disputants, since he is for deciding what shall be done with persons when in custody, who by his laws can never be taken? It is certainly the most distinguished characteristic of a legislative genius intuitively to discern, and providently to prevent such evils as those enlightened intellects can alone foresee: but to provide against evils which can never happen, seems to be but a simple foresight, and an useless institution.

If the offence be specified, who is to be the judge of what kind it is? Why, the magistrate, or the court of Jersey. And if they call it a criminal case, and commit him wrongfully to jail, who is there to call them to account for that infraction of the law? No body. For no appeals will be allowed in criminal cases.

By committing, or not committing, the colonel, I presume, must mean the bailing, or not bailing the accused; for certainly he does not intend the person accused, on oath, shall be left either to run at large, without security, or to be confined at the option of the magistrate. This whole article consists of the evanescent small talk of a man in office, who, having heard that which he does not understand, mistakes one thing for another; and remembers what is just sufficient to enable him to expose himself, and render his relation unintelligible.

I have seen in an Italian comedy, where Harlequin is made judge, and ordered to examine the written qualifications of those to wear swords, that Scapin being seized by this new magistrate and his officers, is discharged from custody by giving Harlequin his washerwoman's bill, instead

stead of the princess's permission, because neither the magistrate nor his officers being able to read, they were ashamed to confess their ignorance, and took it as the real patent. This theatric composition was intended to expose those magistrates to derision, who undertake the discharge of duties for which they are unqualified.

The Jersey magistrates are not open to the inquest of law, nor subjected to any penalty for transgressions in those commitments, supposing they were practicable. Would not the colonel then have done better to have made the bailing of offenders dependant on a bill of right in the subjects, like the act of habeas corpus in England? to have fixed a pecuniary penalty on the magistrate who should refuse it? and to have allowed an appeal to king and council on their denials?

The second article, "that all the jurats should be authorised to administer an oath," is undoubtedly right.

The third article is of a no less singular a kind. "It is proposed that the oath of office of those who are employed in it shall not be a sufficient deposition on which the jurats may determine, when either the acquittal or the condemnation of a prisoner shall come before them." If that be the case no person can be either acquitted or condemned. The innocent is then a prisoner for life and the murderer cannot be executed. For what oath can a judge take in such situations that will not be an oath of office? but probably the colonel means a repetition of the pretent or of some other new oath before every trial. Does this legislator conceive that the lieutenant-bailly, the jurats and the attorney-general whom he hath favoured are such abandoned profligates, that their consciences cannot be held to the dispensation of justice between their
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first oath and the next trial, and so on, between cause and cause? If that be the case, they will pay no regard to the sacred obligation of an oath, altho' they should be sworn every hour. And wherefore has he concealed their profligacy?

The fourth article, respecting the solemnity of an oath, is certainly right, and the proposition deserves to be complied with; and that all men accused shall have an advocate, and be entitled to every lawful means of justification, is what justice demands. But as this includes the severest censure on the magistracy of Jersey, why were the numberless instances omitted on which this proposition was founded, and which would elucidate and strengthen it? why were the iniquities of the brothers and the court concealed? why is there such tenderness to disguise the crimes of men so guilty? all these circumstances are familiar to colonel Bentinck. To preserve those transgressors in office is to defeat whatever advantage may be derived from the permission of advocates: for what advocate will open his mouth, in defence of men who are disagreeable to the lieutenant-bailly and his accomplices? Are not these advocates made by that chief magistrate, and to be dismissed at his nod? Should this seigneur de Roselle discountenance their arguments, and scout the suits, which an advocate supports, will he not lose his employment? and is it not too manifest that Charles Lempriere will not hesitate at such a conduct? The allowing an advocate is a boon in semblance and nothing in reality. To make it beneficial, alterations of another kind must first be introduced, and of those he appears to have no conception.

In consequence of what has been just related, the nomination of advocates being proposed to be

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rescinded from the lieutenant-bailly is inclusive of nothing advantageous. By whomsoever they are named they are Lempriere's from that hour. But let me explain who these advocates are, that were made by Charles Lempriere, "and are described to be taylor, fiddlers, dependants on the court, and who accept of charges and decline the duty." Neither of these characteristics can be applied to Dumaresque or Payne; because these were advocates before Charles Lempriere was chief magistrate. The taylor and fiddler undoubtedly belong to Mauger and his son; the dependant on the court must be designed for Thomas Pipon, that forward youth, to serve his uncle's purposes; and the last can be no other than Thomas Pipon, surnamed the Marquée, through derision; for he alone has accepted the office and declines the duty. Perhaps the meanness of birth is levelled at the taylor; and the meanness of their capacity and education to the whole four: for the colonel hath publicly distinguished the two Pipons with the amiable appellations of arrogant liars, one of whom has since been made attorney-general, on his recommendation.

The *amende qualifiée* employs the seventh article, in which that punishment and its consequences are delineated; but the colonel says, "it is not on all occasions that such instances impart that degree of infamy which excludes the persons found guilty from the privilege of deposing an oath, or from bearing public offices, though custom hath produced that effect." This is in plain English, that the *amende qualifiée* does not impart that infamy which it imparts, nor deprive persons from giving testimony, which they cannot give, nor from bearing offices which it will not suffer them to bear.

It is, therefore, proposed by this Solon, that these sentences, which impart infamy, shall be no longer

longer considered as bringing an imputation of dishonour. This seems to be an odd method of proceeding. This law is to be made against custom or popular opinion. A law to interdict universal and established opinions, seems to be a new mode in legislature; but when the action contains nothing nefarious, these *amendes* are not to be deemed more infamous and dishonourable than other lighter punishments. And why does not the colonel go the old way to work, and kill the flea without putting the powder in his mouth? why was not the *amende* exploded when the offence is undeserving that infliction?

By the eighth article, it is proposed, "that the *amende qualifiée* shall not be pronounced but in such cases wherein the accused may be corporally punished according to law." And, in the former, it is to be inflicted like other punishments; because it is to be deemed no longer dishonourable. The Robinhood baker would have said, those propositions militate one against another. And there seems to be another article wanting to explain those two; for it does not appear to be extremely clear, how the *amende qualifiée* is to be the sentence in every case; and then only in those which by law are subjected to corporal punishment. However, in the latter instances this *amende* is not to be the judicial sentence; but the court is to be allowed to change that of corporal punishment into this *amende*. The *amende* then is not the sentence but the purchase by fine, if the condemned shall apply for that pecuniary commutation. This seems to be a kind of restoration of the abolished weregilds of the ancient feudal law.

The buying off a punishment is certainly an excellent scheme for the receiver of the Jersey revenues; and it offers an admirable instance of le-

legislative judgment, to substitute by means of money, an infliction which is by law to be no longer dishonourable, in lieu of bodily punishment and infamy. Besides, as the lieutenant-bailly and the attorney-general must be chiefly concerned in sentences of such a kind, it affords a good opportunity to both of them to touch the money, in order to pronounce the *amende qualifiée*, which is no longer to be dishonourable, in the room of corporal punishment and infamy. It has been one great maxim of the greatest legislators, to prevent the judges of a state from being exposed to pecuniary temptation. The colonel hath hit upon that maxim with amazing judgment, as well as distributive justice; because the poor man, who steals through necessity, will be corporally punished, and rendered infamous, while the rich buys off both these consequences, by the purchase of an *amende*, which is no longer to touch either the body or the reputation of the more egregious criminal.

The ninth article, in the beginning, proposes "abolishing the ancient usage of annually levying the forfeitures according to the rates established by the extent; to express the sums of money at the several sentences; and that the usage be restored in levying the fines of every year, according to the ancient customs." There is one peculiarity in this proposition, that is seldom to be met with: it concludes with re-establishing at the end, what it abolished at the beginning.

"The tenth article justly exposes the absurdity of uniting the legislative and executive powers in the court, and that the third part of the states should constitute the authority of the whole. It proposes therefore, that the instituting of new, and the abolishing of old laws, shall be the business of the
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the states alone; and that every bill which is introduced into the states, be open to the inspection of the members, so that the constables may have full power to be acquainted with the matter, and to consult their constituents before they assemble to pass it into an act." This proposition is complied with and established, by order of council; the bill is to lie a fortnight for the inspection of the constables before it is debated on.

This whole proposition is taken from the reasons offered in support of the petition, and it bears the face of reason to those, who are uninformed of the Jersey constitution; but the truth is, that as long as the lieutenant-bailly, and the jurats, are at once both law-makers and judges, affairs must remain the same, whether these laws be made by the court alone, or by the states; by one part, or by the whole three; for the chief magistrate will hold the property of the inhabitants in his hands, and dispose of it as he pleases. That influence will prevent the other parts of the assembly from opposing his measures, by a majority. The clergy are dependant for preferment on his recommendation. That circumstance secures the majority of the divines. And as the receivership is in one nephew's hands, and the post of attorney-general in another, all those who want to purchase their tythes, must obtain them by servility and obedience in their suffrages for constables and other officers; or that blood-hound the attorney-general shall be let loose upon them, and the right, property, reputation, and personal liberty, of all those who shall dare to oppose the inclinations of Charles Lempriere, shall become his victims. Thomas Pipon, his sanguinary nephew, and present attorney-general, the priest is of his unhallowed fane, and shall minister at the altar

altar of vengeance. What good effect then can be produced, should the laws be made by the states alone, for in that assembly, as in the court, the members are equally devoted to the lieutenant-bailly.

The eleventh, and last article, relative to the duration of law-suits, is already very well ascertained in the orders of kings and councils, which I have inserted in the first volume.

The Jersey petition contains thirty articles, of which seven alone are remedied, as the colonel says, by laws made in that island. The rest of the reports contains propositions to the council, in that absurd and self-contradictory manner above related; and the most important articles are left untouched, and the people unredressed.

Such then is the issue of the exertion of colonel Bentinck's best endeavours to reconcile the people with their magistrates, in new modelling the laws, and collecting things to make something like a code or system of government in Jersey.

It required no power of divination to discover the guiding hand of the seigneur de Roselle in the papers from whence these reports were taken, in the manner which I have already related. When they were written they were delivered to colonel Bentinck. At the same time it was said that it seemed impossible for the ministry to understand the real situation of affairs in Jersey, or the causes of their late commotions, from so imperfect an account; or that the objects of the petition could be obtained by establishing what was intended in the several articles.

The answer was, that the colonel feared he had already exceeded his commission, and that lord Weymouth was averse from going into a further examination, because he was so great a friend to the Lemprieres.

To

To this it was replied, that lord Weymouth was indeed secretary of state for the southern department, in which Jersey lay; but that he was not the ministry nor the council; and therefore, let his inclination be what it might, it seemed expedient that the colonel should explicitly lay the conduct of those offenders before the king and council, who had by their transactions produced the tumult, and the petition; or without it, that every other attempt to produce tranquillity must inevitably fail; and that when this was done his commission would be discharged, and the result left to those who delegated him to that duty.

He then expressed his diffidence of the ministry's taking any notice of it farther than those reports, unless it were taken up by the opposition.

This seemed a very singular reason, that the truth of things should not be delivered to the ministry, in order to constitute a cause of calumny against them, for not understanding what was never represented.

That particular was immediately discontinued, and the colonel was asked why he had given his opinion that the Lemprieres ought to be hanged, and yet left their demerits unrevealed to the council.

Well, well, said he, what you say is true, to be sure; but I dare say no more to lord Weymouth, he is so much their friend; but as soon as I arrive in London, I will come to you, and absolutely lay the whole affair before the council, for to be sure it should be done, and I shall desire your assistance. The evasion was visible; and, during the short time after, that I remained in the island, we had no more conversation on Jersey affairs. From that moment I resolved, that neither his majesty nor his ministers, should be deceived or deluded by misrepresentation, and concealment of facts;

nor

nor the welfare of two and twenty thousand subjects, whose loyalty and services have at all times, and on all occasions, been so exemplary and uncontaminated but in the Lemprieres, be sacrificed by a man, who understood not the transactions he had undertaken to accomplish; and who is no subject to the king of Great Britain. On my return to London, I immediately prepared myself for this work, that the affairs of Jersey might be something more explained than in the reports; that if the colonel applied to me, it should be at his service; and if not, that I would lay it before administration and the world.

SECTION III.

From the preceding accounts of the colonel's injudicious behaviour in those actions wherein he was ensnared by the Lemprieres, it appears to be irrefragable, that he had undertaken a commission, to the just discharge of which his talents are inadequate.

By the general and indefinite manner in which his reports are drawn; by the concealment of the causes which were really productive of the tumult; and by the seclusion of the names and particular transgressions of the Lemprieres; it seems to be incontrovertable that they were composed from the dictates of the seigneur de Roselle. I come now to those facts, which will evince that truth beyond all power of refutation.

Whilst colonel Bentinck remained in Jersey, after the transmitting of his reports, he was engaged with the lieutenant-bailly, and Pipon, his nephew, in making that collection which is to form something like a code of laws; and in plan-

ning those alterations in office, which have since that time been carried into execution in England.

To elucidate these transactions, it is requisite to delineate the situations in which colonel Bentinck and the Lempriers were placed respecting each other. The reports were transmitted to lord Weymouth in the latter end of October. These, therefore, were irrevocable; and all subsequent designs must be formed corresponding with that account. The neglect to demand the enregistering the orders of his majesty, which Lempriere had interdicted, was by that omission become an event almost equally criminal in Bentinck as in the lieutenant-bailly; and it was alike their interest to preclude its approach to the board of council. The excessive and illegal punishment of Robichon, so repugnant to the merciful intentions of his majesty, had bound the legislator with the judges, in the like cords of jurisdictional tyranny. The affair of Bruzard had exposed the former to contempt; and the suffering the seigneur de Roselle to avail himself of an illegal contract between him and Bandinel, respecting the precedency in the fiefs of de Meleches and Roselle, and the disregarding of the orders of king and council on that subject, had enveloped the colonel in a second inattention to his oath, of supporting the dignity, right, and privilege of the king. It was therefore their joint interest, that oblivion should cover their misdeeds. The legislator who was sent to disclose and transmit the transgressions of the chief magistrate, had fallen into similar offences, and therefore the dread of discovery was much diminished in the brothers.

Besides

Besides these counterbalances of mal-administration in both parties, lord Weymouth was inclined to favour the Lemprières. He was an absolute stranger to their enormities; and had taken early impressions to their advantage, from his grandfather, the late earl of Granville.

Lady Shelburne, the daughter of that earl, was equally uninformed of their oppressions and injustice. She had honoured Charles Lempriere with being sponsor to his daughter. Her mind was possessed with predilection, respecting his character, from her father's behaviour to the lieutenant-bailly. The latter also exhibits the ostensible characteristics of an honest man, and his speech is plausible. This lady was zealously active and persevering in his support; and whilst she was deluded to believe that the cause of virtue was the object of her patronage, the real iniquity was impenetrable, through deficiency of intelligence, on which to form her judgment. Her undertaking was laudable, but the cause destructive.

With this countenance of the preceding persons, and the secrecy in which they imagined colonel Bentinck to be secured by his own delinquencies, they entertained but little doubt of escaping the discovery, and the punishment of their guiltiness.

On the other hand, the characters of the brothers were no longer totally unknown in England. The last determination of the council, on the cause of Fiott, relative to the sale of his estates in Jersey, had disclosed that the council board were no longer strangers to their judicial iniquities; and as the knowledge of their late interdict of registering that determination on the rolls of Jersey was in the hands of Fiott, they were conscious that

such an outrage would not long remain a secret to the council. Besides the imminent perils of these affairs, the receivership of the revenues had been taken from them by lord Albemarle, and given to major Corbet. The major had the best founded expectations of being made lieutenant-governor of the isle : and it was reported and believed, that his lordship intended the receipt for captain Fall, a brave and deserving man, who had served under him at the siege of the Havannah. To obviate the applications and disclosure of Fiott, and to regain the receivership to their own family, were objects of the utmost consequence to the Lempriers. The revelation of the lieutenant-bailly's insult on the king, it was imagined, would dismiss him from all office ; and if he prevailed in preventing that consequence, without the restoration of the receivership he was deprived of his most powerful instrument of tyranny and oppression. The assistance of colonel Bentinck was therefore indispensibly expedient, in order to accomplish these purposes.

The colonel had promised the family of Fiott his utmost assistance to serve their father, and to expose the persecution of the Lempriers ; and he was believed to be sincere. Every advice which came from him, would on that account, it was imagined, be gladly accepted by Fiott, at the colonel's return to London ; and the same honourable gentleman was imagined to possess the means of prevailing on Lord Albemarle, at least to divide the receipt, and to bestow it on the person whom Bentinck might recommend.

At this period two important events unhappily intervened, which threatened inevitable perdition to the Lempriers. Lord Weymouth resigned his post ; lady Shelburne died ; and lord Albemarle, the

the governor of Jersey, had previously withdrawn his protection, for the reasons antecedently assigned. The brothers were now exposed to every storm that might arise from all points of resentment, and not one person remained in power to lend them the least assistance. They were despised by those who knew them in England, and unanimously detested by their countrymen in Jersey.

In this distressful situation they saw no object of probable safety but colonel Bentinck, who indeed by congenial transgressions, was in a great measure associated with their fate. But as they knew he had in possession a multiplicity of their judicial acts, affidavits, and certificates of their crimes, they trembled on that account for what part he might adopt on his return to England.

Lord Rochford was now the secretary of state for the southern department. To him the inexplorable manner of the reports might be represented, as a compliance with the inclinations of lord Weymouth. An ample revelation of the misdeeds of the Lempriers would add a confirmation of that assertion; and even the delusions of these brouters, by which he had exposed his vanity of power, might be offered by the colonel as an apology for his ignorance in directing it. These circumstances might, in all likelihood, procure a pardon for his offences; and accelerate and augment the punishment of those crimes which the brothers had committed. Their affairs were at this perilous moment more replete with perplexity and embarrassment, than when they apprehended the return of colonel Campbel, on the death of colonel Ball. In this accumulation of distress, was not the attachment of colonel Bentinck to their interest, honestly worth the purchase of a thousand pounds?

But as that gentleman, although an alien, hath generously served the government in his legislative capacity, without a shilling reward; and set so illustrious an example to the subjects of old England, is not his disinterestedness become so indubitable that it would be an ungenerous idea to conceive he can be susceptible of pecuniary corruption?

Pity then to virtue in distress, or a just sense of those services which the Lemprieres have done their country; or some other motive equally laudable and humane, must certainly have induced the colonel to afford them his protection, and have quickened his warmth of friendship for these brothers. Could he otherwise have superseded his attention to the dignity of the king, and the welfare of his Jersey subjects? from that day the colonel and the Lemprieres became more strictly united in alliance; and the islanders observed that this closer connection manifestly encreased, when lord Weymouth relinquished his post; and lady Shelburne the vanities of this world.

Their plan of operations was now to be concerted. The lieutenant-bailly was to judge and to direct; and the lieutenant colonel was to obey and to execute. Like Moses and Aaron, the one contrived, the other performed; but the spirit of the lord was with neither of them. To promulge the intentions, and the means by which the islanders were to be benefited in appearance; and to conceal those by which the Lemprieres were to be advantaged in reality; the same power be preserved to them in another shape; and the like calamities to oppress the people, formed the object, and the difficulty of these gentlemen and their consultations.

I shall

I shall first mention the resolutions to which they came respecting themselves. To divest captain Fall entirely of the receivership, would appear an indefensible violence on the disposition of lord Albemarle; and on those professions which Bentinck had made to the preceding officer. To suffer it to remain solely in his hands, would defeat the purposes of the Lemprieres, and consequences repugnant to their schemes must necessarily ensue. Great part of the power in the election of jurors, constables, centeniers, and other officers, would inevitably accompany the receivership; because the means both of obliging and distressing the inhabitants in their tythes, would be placed in the hands of him who held it; and the seigneur de Roselle divested of those instruments of arbitrariness. Philip, his brother, the late fleeing farming receiver, would be called upon for the receipts and disbursements of money, relative to the building of the courthouse. These displeasing objects, and the effects of them, were to be averted.

On that account colonel Bentinck wrote to lord Albemarle, and prevailed on his lordship to divide the office of receiver; one half only to be given to captain Fall; the other at the nomination of the colonel, to Pipon, the nephew of the Lemprieres; and by these means the powers of the receipt, and the dispositions of the insular suffrages, were to be restored to the lieutenant-bailly; and Philip's accounts preserved from being given in and examined.

The arguments which the colonel used in his epistle, are said to be, "That this measure was necessary for the quieting of the people." It seems to be a singular circumstance, that the re-

ceivership should be taken from the Lemprière to quiet the people, and then restored to their family to produce the quiet of the same people; but so it was, and James Pipon, the nephew of the lieutenant-bailly, was presented with one half of the receivership. When Lord Albemarle is acquainted with the reality of affairs, he will determine of the truth of that position. By this bestowing the receivership on James Pipon, the objection in the reports against the receipt, being held by an officer of the court, was preserved in semblance, and abolished in reality, because this person is as absolutely in the power of the lieutenant-bailly, as if he were a judge, or the attorney-general. Charles Lemprière, Ricard, his uncles, and his father, are all of the council, and his brother attorney-general.

Philip, the remorseless Philip, through dread of being put to death by those whom he had ruined, had settled at Southampton. He was not that time in Jersey, because he was called to attend his duty by Colonel Bentinck. To keep his post, and desert the island, was impracticable; and a discovery of his iniquitous oppressions, on some future occasion, would certainly be productive of his disgrace and dismissal. Some method was to be devised, by which he might transfer his places, and retain the profits of them. Thomas Pipon, an advocate, and his nephew, was selected for that of attorney-general. He had manifested such malevolent and unprovoked inclinations to sustain his uncle's iniquities that by nature he was formed to succeed to Philip, and to serve the lieutenant-bailly with equal ardour in his singular method of dispensing justice.

This adept being destined to that important post, another Thomas Pipon, surnamed the Mar-
quée,

quæ, and nephew also, was to be invested with the posts of store-keepers and barrack-master. These places were to be held for Philip Lem-priere, in the person of this Pipon. For this declaration escaped from colonel Bentinck since his return to London. In conversation on the affairs of Jersey, a gentleman said, he saw no difference whether these places were held in the name of Lem-priere or Pipon, since the former most assuredly received the profits. The colonel replied, there was a difference, for if Pipon died, Lem-priere must lose his posts. If this be not confessing that he holds them for his uncle while he lives, how could that uncle lose them by the death of his nephew? I do not know whether the colonel will approve of this manner of reasoning, but I have unexceptionable evidence that he expressed himself in that manner.

The seigneur de Roselle was represented to be contented with escaping the jaws of perdition, with the power of the receipt; the preservation of the magistracy; and to wait a little till the post of commissary might be transferred from Philip Lem-priere to the son of Charles; and thus all these posts, which were visibly taken from the Lem-prieres, were invisibly to remain in their possession. And with this delusion the islanders were to be seduced, that their grievances were removed, their rights restored, and their liberties established; but in that expectation the cunning men will be disappointed.

Fiott was in London, and him the colonel undertook to dispose to the acceptance of those measures which were expedient to prevent the exposure of the rebellious interdict of the lieutenant-bailly; and the disloyal acquiescence of himself.

Major

Major Corbet was now ascertained of being made lieutenant-governor of the island. He was odious to the Lemprieres, because he had disclosed their iniquities in England; had presented the insular petition; and was not to be misled by their mischievous machinations, should there arise a disagreement between them.

Such were the propositions to be carried into execution in favour of the brothers. And to preserve the engines of despotism in their own hands, all these designs were held in the utmost secrecy, during the time in which colonel Bentinck remained in the island; and appearances were exhibited, relations promulged; and some facts were performed, which by undistinguishing eyes were beheld as popular advantages; and as promissary insinuations of others more essential to succeed them.

Three superannuated jurats were to be prevailed on to resign their places, which was easily effected. In consequence of this vacancy, three others were to be elected. The inhabitants selected, at colonel Bentinck's recommendation, such as were popular. The lieutenant-bailly, in order to create a confidence in the people that his interest was at an end, opposed them by persons the most unlikely to be elected. The receipt of the revenues was not then known to be restored to his family. The three former prevailed by a vast majority, and the seigneur de Roselle affected a despondency because his influence was gone; and talked of resigning his lieutenantancy.

The colonel was high in patriotic reputation with the multitude. The people of sense saw through the intention, and knew that as three jurats, supposing they would all remain steady, added to Mr. De Carteret, would make but four, there

there were nevertheless seven, and the lieutenant-bailly against them; for that magistrate must necessarily be a jurat. The addition of three was therefore of no significance but to mislead and amuse the populace; in the states, and on the bench they were of no effect.

The lieutenant-bailly had a small job to be done on this occasion, and colonel Bentinck was to be his operator. Mauger, the taylor, was to make way for Thomas Papon to be deputy attorney-general, in order that the latter might be represented in England, as having officiated in that post. Mauger, who had faithfully ministered to the wickedness of the Lemprieres, was not to be rashly affronted with a dismissal. Colonel Bentinck therefore performed that office for them, and insisted on his being no longer substituted to that post.

The seigneur de Roselle was conscious of those secrets which the taylor possessed; and as on this contempt his business might probably decline, the former devised a method of assuaging the resentment of the latter by the honour he intended him. He touched his vanity, and persuaded him to become candidate for the post of jurat. The taylor was caught by the lure of magistracy, exposed himself to the election, and was honoured with one whole vote in the parish wherein he lived.

Charles, the bailly's deputy, succeeded in his designs. The colonel was duped to take the odium of dismissing Mauger off his hands. The people were duped to believe the lieutenant-bailly's power was at an end, because he had failed in the election of his friend Mauger, whom he had set up on purpose to be rejected. And Mauger himself was duped by this seeming zeal of the seigneur.

seigneur de Roselle to exalt him in honour. Such was the issue of this transaction.

The place of solicitor-general was now to be revived, and a report was spread that Mr. Durel, a popular gentleman in the island, was to be presented with it. This circumstance also was the cause of great joy in the populace. They were all convinced of the utility of which that post had formerly been to the people, and they expected the same salutary effect would be re-commenced. But with the present Charles Lempriere, lieutenant-bailly, Thomas Pipon, his nephew, attorney-general, and two jurats to one on the bench, I should be glad to know what benefit is to result from a solicitor-general, during the time in which the preceding officers remain in power.

Whilst the persons of the court are thus circumflanced, the endeavours of a solicitor-general will be like the fighting of a mastiff without teeth, with another who has them all in perfection. Thus the shadow of advantage was given to the people, and the substance of power reserved for the seigneur de Roselle and his relations.

The case of Gruchy, and of all those who had been engaged in the tumult or were taken up for their seditious conduct since the 28th of September, had been transmitted to the council for the determination of their punishments. Administration beheld the affair in its true light, and his majesty granted them his pardon. This act of graciousness it was not thought proper to disclose on its being received in the island. It was therefore reserved by way of *bonne bouche*, at the colonel's leaving Jerley.

The difficulties which accompanied the attempts to succeed in these designs, were the obtaining of such means as might deceive lord Rochford into a

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persuasion, that colonel Bentinck had performed his legislative duty to the full contentment of the people; and to acquire from the states, which in England are mistaken for the people of Jersey, such authorities, on which might be grounded a sufficient reason of belief in that nobleman and the council.

The reports had only spoken of general causes, and had nominally accused no man. The real circumstances of the insular distresses, and the iniquities of the fraternity, had never been revealed to the secretary of state. Circumvention was easy, if the means could be found to create a belief of the tranquility of the island, by an authority which must appear to be delegated to that effect; for to ask an approbation of the colonel's state reformation, before it was known of what it consisted, was to expose them to ridicule, altho' a majority of the states would certainly have granted it.

With this view colonel Bentinck, by the advice of Charles Lempriere, whispered as a secret to his friends, who told it to the whole island, that he intended to have it moved in the states, that Thomas Pipon should accompany him, at the public expence, to England; in order to explain those parts of the laws which were collected, and the colonel did not understand; and that he had great reasons to fear the lieutenant-bailly would oppose it, with the intent of disappointing him in the services which he had planned for the island. The design was proposed; it was complied with by the states; and Pipon was to be allowed a guinea a day during his absence.

So far every thing succeeded to the wishes of the seigneur de Roselle. The incapacity of the colonel had hitherto been extremely assisting to
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the schemes of the Lemprieres; but at present it would be equally pernicious to confide a matter of such moment to a man, so unequal to the undertaking. Thomas Pipon, therefore, whose heart is as venomous and remorseless as Philip, altho' his head be not so replete with machination and mischief, was to accompany the colonel to England; to direct him in the execution of their designs, to watch his motions, to explain what he did not understand, and to vouch what might be thought necessary for the completion of their pursuits.

The codal collection was now complete; the colonel and his legislative interpreter were ready for their voyage; and there remained nothing but to leave the island with the full eclat of patriotic fame. His majesty's pardon was then published, and the lieutenant affected an astonishment at it on the bench, and cried out, "God grant that he who succeeds me may not meet with such treatment." He and Le Hardy immediately resigned their regiments of militia, in a pretended displeasure on that account. But as there was at that time a belief that hostilities would be commenced with France, they took that opportunity to quit their military offices, through dread of being shot for their misdeeds by their own soldiers, should an occasion call them to the defence of their country. The people were now convinced that colonel Bentrinck was their saviour; that the power of the Lemprieres was demolished; and old Jersey restored to its ancient happiness and freedom; and with this opinion of the populace, the legislative colonel, Philip Lempriere, attorney-general, and Thomas Pipon, the colonel's druggerman, set sail for England: a cargo, which had it been encreased by the company of the lieutenant-bailly, would have con-

consisted of four such men, as never crossed in one ship from Jersey to England, since the island hath existed.

SECTION IV.

Before this unparalleled triumvirate took their departure from the island of Jersey, a very ill written account of the colonel's talents, qualifications, and conduct, appeared in a public paper. It indiscriminately abused both sides of the question, and the sole merit which it possessed, was an impartiality of malevolence. Conscious guilt sees spectres in the dark, and trembles, where the eyes of innocence perceive no object, and are composed. The hair of colonel Bentinck stood an end. He dreaded, lest his practices might be detected; his delinquency exposed; his vanity of receiving approbation mortified; and his hopes of advantage disappointed.

He knew the Lemprieres had no predilection in the opinion of lord Rochford, and that a candid discovery of their iniquities, and the undisguised delineation of the affairs of Jersey must ruin them. And as men will catch at straws in drowning, he was not slightly intimidated lest the brothers might take hold of him in sinking, and carry him to the bottom. To represent their conduct in a favourable light, and to be found guilty of misrepresentation, must prove to be his ruin also.

The first step was to discover whether the secretary of state had been acquainted with the oppressive

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five and illegal acts of the Demipriars, and with the real state of Jersey. It was happily discovered that this intelligence was still unrevealed to his lordship. Dispatch was necessary to preclude the fatal effects of an exposure of their conduct; and the completion of their scheme was speedily to be achieved.

I am now to lay before my readers the most atrocious imposition that hath ever been obtruded on a minister. The reports of Bentinck were read before the council, and his codal collection was laid before the proper officers. The colonel represented every thing as happily pacified in Jersey; and that his conduct was approved by the islanders. Pipon, who was sent as the legislative interpreter of the colonel's collection, was held forth as a person delegated by the states to certify the satisfaction of the people; the excellent disposition of all things in the island; and to affirm whatever the legislator should assert. The most intelligent man that ever existed, must be deceived by such a preparatory scheme of circumvention.

In consequence of this happy arrangement, the particulars were to be effected relative to the alteration of the polls abovementioned. The criminality of the brothers was invisible to lord Rochford. It was impossible for him to conceive that colonel Bentinck, commissioned by his majesty to examine into the grievances of the island; and to relate the real state of the objects of their petition, could presume to conceal the truth; to screen the offending magistrates; or fallaciously to delineate the circumstances of the insular concerns. And when a person was present, apparently delegated by the states, to confirm these relations, on what ground

ground could a suspicion of an intentional deception be founded by his lordship?

Philip Lempriere, the remorseless, oppressive, extorting, venal, impudent and ignorant attorney general, loaded with innumerable crimes, was represented as a man who had discharged his office with knowledge and integrity; but as he had an inclination to leave the island, it was necessary for the quieting of the minds of the people, that the post of attorney general should be transferred to Thomas Pipon, his nephew.

As the post of attorney general is held by patent, to have taken it by force from so deserving an officer, as Philip was represented to be, would have been an act of violence which the secretary of state is incapable of performing. Philip was arrived in London, on the design of contributing his share to the deception, and to perfect the intentions formed in Jersey.

In this place I request my readers to turn their eyes on the many enormities of this man, which I have related, to be persuaded there are many hundreds more of the same kind; and then to behold this oppressive being, standing before a minister, as a laudable officer, daring to treat of the terms on which he would relinquish his post of attorney general, which he could not have held a week under another chief magistrate, and supported by colonel Bentinck, who stood conscious of the injuries Lempriere had committed, the detestation in which he was held by the people of Jersey, and the punishment which he deserved.

Thomas Pipon, his nephew, was to be made attorney general, on condition Philip Lempriere might have permission to transfer the places of storekeeper and barrack-master to another nephew of the same name. As this alteration was

represented by colonel Bentinck to be necessary for the quieting of the minds of the people; it was complied with; and the usual method of not transferring such posts in that manner, was superseded on this occasion.

This seems to be a new mode of reasoning. Philip Lempriere is become so odious to the people of Jersey, that in order to quiet their minds, it is necessary he should no longer hold the place of attorney-general; yet this odious Philip is to be indulged with transferring two places to his nephew to hold them for that uncle, because he cannot keep the former, and the island remain in quiet; and thus a man is to be bribed to part with a place he cannot keep. Is not this a trim reckoning?

But why did colonel Bentinck abstain from informing lord Rochford of Philip's character, and conceal the true reasons of his being insufferable to the people of Jersey, and then have left his lordship to judge of the rectitude of this demand and compromise of Lempriere? Will he alledge that because Philip held the attorney-general's place by patent, he could not be dismissed? Marret and De Carteret, both attorneys-general, were dismissed by the court of Jersey. They both appealed to council. The sentence of the former was confirmed, because he was guilty; the other was restored, because he was wrongfully accused. Both these are equal proofs that even the court has the right of dismissing them. Will the colonel say that the king and council have not that authority, or that Philip Lempriere had not offended? Will he say this, with the numerous acts and affidavits which he possesses; and which prove the facts.

What call had colonel Bentinck to interfere in this bargaining for resignation? By his commission he was to give a just representation of things. This
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he declined, concealed the truth, countenanced a falsehood, represented the most undeserving of men as a meritorious officer, obtained his intentions, and became broker to the most flagitious of delinquents. How will the colonel evade this charge, founded on facts?

Every article in the Jersey petition is intended to express the tyranny and injustice of the Lemprieres, though their names, through timidity, be not mentioned. Can it then be possible to believe that this transfer of places to the nephews of the brothers, by which their power was still preserved to them, can be the means of quieting the islanders? On what foundation did colonel Bentinck found his assertion? Had he consulted the people on that subject? No. Had the states even given it as their opinion? No. Was there a man in the island who was consulted on that occasion? Yes. The colonel declares he took and followed the opinion of Mr. John Durel. But who made him the representative of the island? and wherefore was the proper method of knowing the insular opinion neglected? Colonel Bentinck can alone answer that question.

Thomas Pipon was made attorney-general, another of that name barrack-master and store-keeper, and James Pipon joint receiver, all three nephews of the Lemprieres. I shall now examine the arguments which others have found for the colonel, and he hath made use of in vindication of the receipt being given to James Pipon, nephew of the Lemprieres. The first is, Pipon hath quarrelled with his uncle. Is there no reason to believe it an artificial disagreement? And is it impossible an uncle and a nephew can be reconciled. The second, James Pipon is a very honest fellow. I believe he is so; and his merit is much the greater for being honest.

since he can resist the influence of the blood of the Lemprieres, which for so many generations hath made men otherwise. But is there no other honest man in Jersey, and was the colonel obliged on that account to select a nephew of the Lemprieres?

But why was this place divided into two, which used to be that of one man, expressly that one half of it might be given to the nephew of the Lemprieres? It was too considerable for one person; and yet the whole of it consists but of about a hundred and forty pounds a year, which it was reported was already given to a half-pay officer, a deserving man; who had served under lord Albemarle at the Havannah; and split for the nephew of the Lemprieres, on a representation of colonel Bentinck to lord Albemarle.

The lieutenant-bailly, and his judicial accomplices, have at all times the power of embarrassing the receiver, and incumbering him with insuperable difficulties, on all complaints and contentions concerning tythes and corn rents. Such disputes are to be decided by the court. Can there be a doubt that the seigneur de Roselle will decide such causes in favour of the people, if his nephew opposes his interest? Were not such means devised in the time of lord Cobham to farm the revenues? Is Charles Lempriere an unlikely person to repeat them? Lord Albemarle is by a stipulated agreement to be annually paid a thousand pounds a year by the receivers, besides the salary. Should the lieutenant-bailly promote disputes, and lessen the revenue to that sum, will James Pipon discharge that post for nothing, lose his place, or yield to his uncle's inclinations?

If he should persevere in the former, will not the lieutenant-bailly have an equal power over the

the people in their elections, by supporting them against the receiver, to that he possessed when he oppressed them in conjunction with his brother? Since circumstances are thus situated, why did not the legislative colonel think of those two short propositions concerning tythes and corn rents already mentioned? These would have precluded all causes of quarrel on those subjects, and all means of exercising power by the influence of the receivership? Why did he leave the immediate cause of the insular disturbances to depend on the will, which can be precluded by the laws of man? Are these the indications of a legislative genius?

As to James Pipon, I have no objection to his being joint receiver; but let not his uncle be lieutenant-bailly; nor let an honest man be exposed to the insidious wiles of such an uncle. Keep him then from the temptation of being otherwise, and let him enjoy his post.

The influence of these posts is therefore preserved to the Lemprieres; it is that power which the islanders dread, and against them they petitioned. What credulity can furnish a belief, that this conduct can quiet the minds of the people? Or what arguments support the colonel in the hardness of asserting that these changes were made for the sake of the public tranquility? is not the single restoration of the receipt to the nephew of the Lemprieres, a demonstration that the colonel was governed by the lieutenant-bailly, and devoted to his interest.

In fact, by these deceptions the islanders of Jersey are reduced to a more deplorable situation than when Bentinck first arrived in it, his majesty's special commissioner; for then the powerful post of the receiver was not under the direction of the chief magistrate, which, by Bentinck's interven-

tion, is now restored to him. And I would ask colonel Bentinck, since in his reports he ascribes the aversion of the islanders from their magistrates to the receivership being in their hands; and the ill effects of it, as removed by lord Albemarle; by what logic he now proves the minds of the people will be quieted, by its being restored beneath the influence of the Lemprières; or justify himself for those alterations which he hath made in diametrical opposition to his own positions, and the sense of the islanders? In this manner the heinous insults which have been committed on his majesty and his authority, by these brothers; the infractions of the constitutions, laws, and ordinances of the island; the endless perpetrations of cruelty, injustice, and punishment on the inoffensive; the setting the guilty free; the invasion of property; the denial of appeals; the erasing of what they dislike in the actions, which are brought in their own causes; and the misrepresentations, falsehoods, and impositions, which have been passed on the privy council, all which are known to colonel Bentinck, were industriously concealed from the secretary of state. The Lemprières are triumphantly established in their tyranny; vengeance is let loose to harass and destroy those, who by their petition have deprived them of the profits of the farm. The people, in despair behold their miseries to be doubled, and slavery confirmed on them and their posterity.

And now let me ask this special commissioner of his majesty, where he acquired the confidence to appear before that king, with all this consciousness of infidelity to his trust which I have related? That king who had, delegated him to the honourable charge of representing him; and to save the loyal islanders of Jersey? That king, to the support

port of whose dignity ; and that people, to the preservation of whose rights and privileges he had taken the most sacred obligation. Was it for this end, in 1761, in the ministry of that professing friend to his country and the royal family, that long-winded haranguer in the defence of the rights and privileges of Britons, that the act of settlement was infracted, to give to Rudolph Bentinck, an alien, an unlawful commission in the British service? Are these the grateful returns the colonel repays for such violence on the constitution, made in his favour? Yes, these are his acts of gratitude. And now I defy the world to suggest more than one motive to this notorious faithlessness, and breach of royal confidence.

As to Philip Lempriere and Thomas Pipon, they have so long been inured to shamelessness; to consider the seigneur de Roselle to be his majesty's superior; and to postpone his authority to that of the lieutenant-bailly; that this impudence in them is as natural as it was necessary.

But I have not yet finished the ungrateful returns of this colonel. Lord Rochford was now circumvented in a manner, against which no human prudence could defend him; because the reality of facts and circumstances were totally excluded from his knowledge. But there yet remained another obstacle to the perfect accomplishment of their opprobrious intentions. This was Fiott, who knew the iniquities of the Lemprieres, and is now the living martyr of their malignity and violation of the laws. Unless he was prevailed on to desist from prosecuting his redress before his sovereign and his council, the rebellious interdict of Lempriere, and the illusive concealment of colonel Bentinck, must still appear be-

fore, the king and his council; and their transgressions be offered to the face of day.

Some time before colonel Bentinck's return, Mr. Fiott had been introduced to a gentleman in a very considerable office, whom he requested to deliver to lord Rochford a petition, setting forth the hardships he had suffered. At the same time he added, I am afraid it may be too long. To this the gentleman replied, let it be as long as it will, it will certainly be considered; but be sure that nothing be inserted which is untrue. The petition being drawn, was by the same gentleman presented to the earl of Rochford, and his lordship's secretary returned his answer by the same person, that, as colonel Bentinck was soon expected, it would be more prudent to wait till after that time, before the petition was considered. This was a pleasing circumstance to Fiott, as he knew the colonel was acquainted with his case; and had promised to serve him; but he was not acquainted with the colonel's character. In that petition were set forth the injustice and hardships which had been done him by the brothers and the court of Jersey; and humbly praying his majesty would be graciously pleased to remit this sentence, or to extend his mercy in such manner, as to his goodness shall seem meet.

Bentinck being returned, Fiott waited on him, and delivered him a copy of the petition which he had presented to the secretary of state. The colonel assured him he would wait on lord Rochford on that affair, and endeavour to accomplish it as soon as possible; that he should be glad to see Fiott's solicitor, and would meet him at a time appointed. After this meeting, the circumstances of which are unknown to Fiott. Bentinck told him that he had seen lord Rochford, and

and that his lordship said, that when Fiott returned to Jersey, the animosities between Lempriere and him would be revived; that the council would be constantly troubled with complaints; and that their differences ought to be reconciled previous to Fiott's return. Fiott declared, he had not the least inclination to continue his law-suits, if the lieutenant-bailly would do him justice; and the colonel proposed to put them to arbitration. Fiott replied, that whatever related to affairs of property between them, he was ready to refer to arbitrators. The colonel then asked, what were their differences? Fiott answered, that the colonel knew part of them; for, said he, you have administered an affidavit respecting the false measurement of the estate, which the lieutenant-bailly sold me. These I am willing to refer to arbitrators. He then asked, if he had not a petition before the council? Fiott replied, he had not; that it was not yet delivered; but that it was on the account of the lieutenant-bailly's refusal to register his majesty's orders in council, with which colonel Bentinck was well acquainted.

This was a piece of intelligence of great consequence to the colonel and his views. The effrontery of interdicting the order was still unknown to the council, and Bentinck saw it was not mentioned in the petition delivered to lord Rochford, where the prevention of its being revealed was within reach, and his and Lempriere's conduct, on that occasion, susceptible of being undiscovered.

The colonel then asked, but what will you be the better to have these orders registered, provided you return to Jersey, what good will the

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registering of them do you? Was this a question to be asked by colonel Bentinck? Were these the means of supporting the dignity of the king, by sacrificing the rights of his majesty to the rebellious impudence of the bailly's deputy; and actively supporting an insult on his authority, and screening the atrocious criminal from the knowledge of his sovereign and his ministers? But self-interest had its share in this conduct, he himself was become an accessory; by not having insisted on its being registered, and by his not laying it before the secretary of state.

Flott told the colonel, that this discovery would check the illegal transactions of the court; and expose the insolence of the lieutenant-bailly, in daring to forbid the registering the orders of king and council. To this Bentinck replied, you cannot hurt the lieutenant-bailly; you can make nothing appear by which he can be known to be more infamous than he is already. He has offered me to register the orders if I would have him.

By whom was colonel Bentinck authorised to say, that the lieutenant-bailly cannot be hurt, whose infamies are known so well, that nothing can be added to them? Does he insinuate, that the ministry are acquainted with his transgressions, and yet keep him in his post, to oppress and ruin the people of Jersey? Have they consciously acquiesced in their enslavement, and deserted the cause and honour of their king? The very care which has been extended to redress the grievances of the island, pronounce the lye to this assertion, unless colonel Bentinck can prove his allegation by authentic evidence; and since he has confessed that Lempriere would have registered the orders of the king, if he chose it, is he not verily and in-

indeed become equally criminal in this treasonable disobedience to his majesty with Lempriere himself and the consenting jurats?

Colonel Bentinck then said, if Fiott would write him a letter, and desire him to present his petition to his majesty; and that he was ready to refer his contests with Lempriere to arbitration, that he would shew it to lord Rochford. Fiott agreed to it, and in a day or two carried him the following letter.

To the honourable Colonel Rudolph Bentinck.

S I R,

As my petition to his majesty was deferred till your return from Jersey, I am in hopes that now, as you are well acquainted with the transactions that have happened between the court, or the lieutenant-bailly and I, that you'll be so kind as to acquaint with the truth those noble lords, in whose power it is to desire his majesty to grant me my request in the said petition; and as this is the season for fitting out the ships for Newfoundland, I should be very glad if I could be in Jersey soon, as it would be of great advantage to me and my family. Therefore I beg, sir, you would be so good as to do your utmost to have the said petition presented to his majesty. And as for the other law-suits and disputes depending between the lieutenant-bailly and I, I am very willing to make an end of all, and if the lieutenant-bailly will suffer the orders of his majesty in council, of the 27th of April last, to be registered, I am willing to refer to arbitrators here in London, the affair concerning the four and a half quarters of wheat

wheat rent, in dispute between us, which is according to our agreement; which agreement I have of his wife's own hand writing.

I remain respectfully,

S I R,

Your most humble,

and most obedient servant.

London, February 1771.

It was self-evident that this letter could in no sense correspond with Bentinck's intentions. It mentioned the very thing which he was labouring to keep secret, "if the lieutenant-bailly will suffer the orders of his majesty in council to be registered." This letter, therefore, could not be delivered. Accordingly, in a very few days, Fiott's solicitor sent to speak with him. At his coming, he found that colonel Bentinck had been there; but not meeting with the solicitor, he had written the following passage in the solicitor's memorandum book.

Memorandum.

Colonel Bentinck called upon Mr. Eyre, to inform him that he has reason to think a petition of Mr. Fiott to the king, presented by colonel Bentinck, through the secretary of state, praying for his majesty's pardon, in consideration of what he has already suffered, through the voluntary banishment, to save his family from infamy, will answer the purpose, joined to a letter from Mr. Fiott to colonel Bentinck, agreeing to have all the other differences there may still be subsisting between

tween him and the lieutenant-bailly determined by a proper arbitration in this country; and colonel Bentineck cannot think of interfering in that affair on any other footing. The sooner this is done the better it will be for Mr. Fiott.

The above is a copy of what colonel Bentineck wrote in Mr. Eyre's office upon the day-book.

The following petition was then drawn and delivered by Fiott to the colonel, together with the subsequent letter also.

*To the King's most excellent Majesty, the humble
Petition of Nicholas Fiott, late of your Majesty's
island of Jersey, merchant,*

Sheweth, Accordingly, in a very few days, your petitioner sent to speak with him. At his coming,

That your petitioner carried on an extensive trade to Newfoundland, and elsewhere, from the said island of Jersey, and was possessed of a large real and personal estate; but having the misfortune to fall into some quarrels or disputes with the royal court of Jersey, was so long ago as the 25th of February, 1764, condemned to make the *amende honorable*, by asking pardon of God, your majesty, and the court, and to pay a fine of three hundred livres tournois; which being considered in Jersey as intailing infamy upon your petitioner's family, Your petitioner has withdrawn from that island ever since, and has submitted to a voluntary banishment, and many other sufferings, besides a loss of several thousand pounds sterling, in his property, and from which your petitioner can have no relief, unless your majesty will be graciously

ciously pleased to lend a merciful ear to your petitioner's case, and remit the said sentence, or grant him a pardon.

Your petitioner therefore most humbly prays, that your majesty would be graciously pleased to extend your royal mercy to your petitioner in such way and manner, as to your majesty, in your great wisdom and goodness shall seem meet.

And your petitioner, as in all duty bound, shall ever pray, &c. &c.

To the honourable colonel Rudolph Bentinck.

London, 23d of February, 1771.

S I R,

This morning Mr. Eyre communicated to me the mode that you thought right for me to adopt in presenting my petition; that very mode has been taken; my petition has been delivered to lord Rochford's secretary, so that it is in his office; another has been delivered to lord Gower; and you have another. But if you think there is too much stated therein, or that it may retard the business, I take the liberty of inclosing you a very short petition, and do intreat you to take such further steps, as therein you shall think proper. And I hope, as my offence is merely a contempt of the court of Jersey, his majesty, on account of my long and great sufferings, and voluntary banishment, will be graciously pleased to remit my sentence, and grant me a pardon.

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As to all the other differences subsisting between the lieutenant-bailly and myself, I am ready and willing to submit the same to arbitration here, and to do every thing on my behalf necessary for that purpose.

I am,

S I R,

Your most obedient,

and most humble servant.

Colonel Bentinck was now enamoured with the refinement of his own cunning; and vainly imagined he had perfected his designs by his directions in the drawing of the last petition; because not only no mention was made of the lieutenant-bailly's interdict of the king's orders; but all the other preceding cases of Fiott's suffering, and Lempriere's iniquities, were omitted also; and nothing inserted but the misfortune of a quarrel and disputes with the royal court of Jersey, by which he was condemned to make the *amende honorable*, entailing infamy on his family.

I knew a gentleman who trained a pack of Southern hounds to such obedience, that if he threw his pole before them, they would stop in full pursuit, and continue opening without daring to pass the pole. Colonel Bentinck, and all such like creeping cunning men, imagine they can throw an intellectual pole before others, and prevent their thinking any further than they please on those subjects into which they are enquiring. But they are mistaken; as it happened in this case. By omitting the illegal arrogance of the seigneur de Roselle, and hardships which Fiott had suffered, in order to preclude the intelligence of them from
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lord Rochford, which would lead to the circumstance of the interdict, there arose a necessity of enquiring into the affair ; before a pardon could be granted from a sentence, which was described to be so replete with infamy.

The first petition was presented, including the former particulars. It was asserted to contain nothing but the truth, and that assertion was to depend for its being credited, on the report of colonel Bentinck.

The colonel was returned. The second petition was given by him. All the preceding circumstances were omitted. The hopes of pardon, on the injustice of the sentence, were not inserted. It appeared to the secretary of state that these parts were purposely left out, because colonel Bentinck would not vouch their verity. A persuasion of their untruth was the natural consequence, and the petition of Fiott was not only divested of its strongest plea for pardon, but contaminated with distrust of its veracity ; all which was consecutive of Bentinck's ignorance of proceeding.

In this manner the subtle colonel, in order to conceal his own delinquencies and those of the Lem-prieres, has been too cunning for himself. He hath involved the just and true state of Fiott's affairs in doubt and perplexity. In fact, he hath misled an honest and deserving man to appear before the secretary of state as confessing guilt, by the omission in the latter ; because the former petition must appear to be replete with falsehoods, and therefore that he was justly sentenced ; than which I flatter myself, nothing can be proved to be more false.

Such hath proved to be the effect in this case, wherein no one hath ever been more causelessly doomed to punishment than this man, who has been

been thus deluded to give the appearance of guilt to the acts of innocence. Colonel Bentinek had no intention to disserve Fiott; because the pardon of Fiott, and the colonel's escape from discovery, were intimately united; but the avidity to his own interest, prevailed on the colonel to place his purposes foremost; and by these means, Fiott's being obstructed in the passage, Bentinek's are held in the same dilemma, for there is no receding.

The secretary of state advised the reconciling of all disputes between Lempriere and Fiott before the pardon was given, that their affairs might go smoothly, and be completed. The colonel, by a happy legislative turn of thinking, inverted the order of things, and would have had the pardon antecedent to the arbitration; which is like a joiner's using an axe to make way for a gimblet. By these means Bentinek indeed would have been released from his apprehensions; and Lempriere and Fiott left to settle their contents, or not. The interdiction of the lieutenant-bailly might then be discovered; Bentinek would be at large, and careless of the result; and all the actions of his life pronounce to demonstration, that he never entertained another idea than that of a true adventurer; who never quits his own country to serve any thing but himself.

Things, as clear as light, being by the second period reduced to doubt and darkness, Lord Robbford was not to be enticed into a recommendation of pardon, without enquiring into the reasons which the court of Jersey might have to object to it. An official letter was therefore transmitted to the lieutenant-bailly and the court; to know the objections which they had to oppose to

the mercy of his majesty; and in this situation I shall leave it for the present.

It is evident from these mistakes, that Charles Lempriere, who planned the design, was not present at the executing of it. That was the effect of the united judgments of Bentinck, Philip Lempriere, and Thomas Pipon, who were in daily council on this subject; a triumvirate without brains to fill half a nut-shell; and with malevolence, misrepresentation, and mischief, sufficient to furnish Westminster-hall with law-suits for a thousand years.

Such was the first grateful instance in the new attorney-general of disloyalty to his sovereign, and of allegiance to the bailly's deputy; and such was the senseless care which Bentinck took to preserve the transgressions of the seigneur de Roselle from the eyes of lord Rochford, to whom, as he insinuated to Fiott, he was already known to be so completely infamous. The simple narration of this affair disproves every syllable that Bentinck had uttered on that subject.

When Fiott waited on Bentinck with the petition and letter, he was told, that the reason of the petition being so drawn was, that if he had presented the former, it could not have been complied with; unless it were sent to Jersey to have the answer of the court; and therefore it would take a long time in being completed; but by this petition it might soon be effected: and by the colonel's good management, it has been contrived that the petition is sent to Jersey, and the pardon delayed. Many men take false positions, and reason rightly from them. This legislator is mistaken both in one and the other. The colonel added, when he should want Fiott, he would send for him; and that it should be very soon. Bentinck

tinck and his two accomplices had now succeeded in their applications to Fiott; he was no longer of use to their purposes: and no message or notice of the consequence of this petition was transmitted to him for some weeks.

Fiott waited on the colonel, and was told that he expected news from Jersey. He was desired to remain quiet, untill the colonel saw him again: which you may depend, said he, shall be in a very few days. Fiott saw him no more, and the colonel set out for Jersey. Of whom then has colonel Bentinck been the special commissioner? Whose business hath he transacted with fidelity, and whose perverted? That of George the third, king of Great Britain, or of Charles Lempriere, the bailly's deputy of Jersey?

During the colonel's remaining in England, the proposal of asking assistance of the writer of this narrative was totally neglected. His being attended by Philip Lempriere, and Thomas Pipon, fully suggested the reason; and the transfer and disposition of the posts and offices confirmed it. The first volume, and part of the latter of this narrative were then printed; and from that moment it was resolved, that neither the dignity of the king, the welfare of his subjects, nor the inclinations of the minister, should be treated in a manner so indignant, by a man ungrateful and fallacious; but that as he had adopted the measures of the Lemprieres, his conduct, together with theirs, should be given to the world.

It was easily seen that there existed no difficulty in obtaining a visit from colonel Bentinck without invitation. A gentleman was desired to mention to the officers of his regiment, that his legislative behaviour was examining, and would be printed.

This being told him, the very next day I was honoured with his company. The abject manner in which he behaved, was so excessively unmanly, that even in pity to him I will not explain it ; he was acquainted with the intention of examining his conduct, that he might know of it before he left the kingdom, and tarry to defend himself on the publication of the book. He was also assured that the truth, and nothing more nor less should be published. It therefore remains with the colonel to relate the rest, if he pleases. And he is desired to be faithful in his narration.

As soon as this intelligence was communicated to him, he immediately considered by what means to obviate the facts which might be brought against him. The most infallible method of inducing colonel Bentinck to expose himself, is to provoke him to seek for the means of avoiding it.

He now conceived it the most proper conduct to return to Jersey; and to endeavour the effacing of such transactions, as he thought might compose the objects of his reprehension. His commission of commander in chief, and of special commissioner, was at an end. To return to Jersey without the power of convening the states, was to expose himself to certain defeat. And as lord Rochford had seen that he had been commander in chief; and knew not that colonel Campbel held that post; on that circumstance the colonel founded his application to be made commander in chief. He proposed to accept it without pay also, as an honorary reward for his legislative services. But will he not solicit the pay, when colonel Campbel is otherwise provided for?

With this view he requested that favour of his lordship, and consciously concealed the mention of
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of colonel Campbel's name and office. This was certainly a most illiberal imposition on the secretary of state; and an unpoliteness to colonel Campbel. It was granted, and with all possible expedition he and his new-made attorney-general hastened to Jersey, before his commission was carried to the war-office; where his imposition would undoubtedly have been discovered. By these means there are at present a governor, a lieutenant-governor, and two commanders in chief for the island of Jersey.

SECTION V.

The colonel being landed in Jersey, the first evidence of his welcome was manifested by the women. A few of the people of condition had a weekly breakfast in which they amused themselves with dancing. And all such of the island who did not unite with them at first, were to be balloted for if they chose to become members of that meeting. The men were to ballot for the females; and the women for the men. The colonel was proposed to be admitted; and he received the universal black ball.

The object of this voyage being to repair the follies and injustice which he had committed in the former; in order to the obviating of what might be reprehensible in this narrative, he set himself to that work.

The case of Bruzard was one of those which it was imagined would be represented, as an instance of his imbecility, and arbitrary proceedings. Be-

fore the colonel left the island, many petitions had been given him, requesting that this inhibition might be taken off. The colonel rejected them, and he was now come to do that for his own sake, which he had denied to others. The sole imputation of misconduct in the prohibiting of Bruzand, arose from the colonel's being duped by two other surgeons. The legislator was resolved to demolish that ridicule, and he exhibited another, incomparably more ridiculous. If Bruzand was truly incapable of practising in pharmacy, the prohibition was prudent, and he ought to have remained under it.

It was moved in the court, that his prohibition should be taken away. The lieutenant-bailly asked Bentinck, what improvement in physic he had discovered in Bruzand, that in the month of April he should be restored to the practising of that art, which he was interdicted as incapable in the month of November; and the colonel simply looked just like himself. Bruzand, however, was restored to practice. By this piece of cunning the colonel proved either that this man had been unjustly deprived of getting his bread for five months; or that he was now restored with full powers to practise, at the destruction of the islanders; and by this happy emendation of the former folly, the colonel chose to clear himself by committing a greater in the latter.

The sentence of Robichon was another instance, not only of imbecility, but of imperious cruelty. This charge was attempted to be removed, and the court have returned him the money he was fined. Bentinck remained in Jersey from the day, in July, on which this man was condemned, to the latter end of January, and no attempt was made in favour of Robichon.

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This intention then proceeded not from justice, nor from clemency. He was now resolved to have it effected, and thereby to give an incontrovertible evidence that he had acted consciously wrong, and never intended to redress it, till he became apprehensive that his tyrannical disposition would be exposed. But what recompence can he make to this injured man for his imprisonment of fifteen days on bread and water? For being dismissed with disgrace from his posts, and rendered infamous in the opinion of the people, by the unjust sentence which he had suffered? This was the second article by which the colonel intended to get himself out of the mire, and so he fell further into it.

The thanks of the states were deemed by the colonel's counsellors to be a necessary sanction for his legislative transactions. This intention being known to the lieutenant-bailly, he prepared to defeat it. Not a member would move for it. At length the solicitor-general, of the colonel's creation, who has an official seat in the assembly of the states, and no vote in their acts, moved that the colonel should receive their thanks for the laws which he had made, and the service he had done the island. It did not succeed. It was then moved that he should receive the thanks of that assembly for his trouble and good intentions.

The lieutenant-bailly had prepared the states to reject the former, and to vote the latter. It was now necessary to create an appearance of a disagreement between the legislator and the chief magistrate, in order to efface the persuasion of that understanding which had passed between them in the former proceedings. And as the colonel had done his business, like himself the seigneur de Roselle intended to expose him. He knew also that if he and his friends supported it, Mr. De Carteret and the

three new jurats would probably oppose it: he therefore resolved that this disgrace should come at first from the colonel's friends. The jurats dissented till it came to Mr. De Carteret, who had not penetrated to the design of Charles Lempriere. He gave his affirmative voice; the three others, and the lieutenant-bailly's friends, among the priests and constables, according to his previous order, followed the four jurats, joined in it, and it passed. In this manner by rejecting the motion of thanks for making the laws, the colonel was damned as a legislator. And by giving them for his trouble and intentions, he was complimented as a simpleton and a drudge. Such was the public approbation of the colonel's discharge of his duty as commissioner royal, on the motion.

If a clerk of the house of commons should move for the thanks of that house to a person who had obtained him that office, and no member would undertake it; I should imagine it would not do him much honour. In this instance it proved to be his patron's disgrace. It is said that this privilege of making motions, in which he cannot vote, is customary in this official servant of that house. It was in the reign of James the first he was made a patent officer. He was not then invested with that privilege: nor have I seen it in any subsequent grant, or order of king and council.

The petition of Fiott was transmitted from the secretary's office, together with the letter already mentioned, to the court, to know what reasons they might have against the pardon's being granted. The lieutenant-bailly and colonel Bentinck saw things in a different light. The former would probably have made no opposition to the pardon of Fiott, had the arbitration of their disputes preceded

ceded it; but to make no objections to that petition; and then to have his causes arbitrated after the pardon was granted, forms no part of the policy of the seigneur de Roselle. He would then lose the most powerful means of inducing Fiott to acquiesce with terms unjust; and to keep his iniquities from being revealed, through fear that such pardon might not otherwise be granted. Besides this, an answer was now to be given. And if the whole transaction was entered into, in support of their judicial procedure, it must either consist of falsehood or self-condemnation. The former might be disproved; and the latter he would certainly not consent to. A short reply was the most convenient and unexceptionable. The question being put to the court, "the lieutenant-bailly and a majority of the jurats were of opinion, that it was necessary that Fiott should make his submission, in order to support the dignity and authority of the jurisdiction of his majesty's royal court of Jersey.

Messieurs De Carteret, Payne, Messervey, and Patriarche, were of another opinion, in favour of the petitioner. These gentlemen were unconcerned in the iniquities committed against Fiott. They were convinced of the undeserved sufferings which he had so long borne; and that the islanders were extremely desirous of his return. In this account their behaviour was just and meritorious.

Bentinck wanted the pardon to be dispatched as soon as possible, for the sake of deliverance from the danger of being discovered as a faithless delinquent to his majesty, in not demanding, and afterwards in concealing the insolent interdict of Lempriere to the king's orders being registered; and in permitting a private and illegal agreement between Lempriere and Bandinel, to supersede a former

former determination of the council Lempriere resolved to hold him where he was, still they were delivered together: and on this a dispute, either real or fictitious, arose between these worthy men. Bentinck seems to be doomed inevitably to misjudgment; and never to understand either of what he is formed; or what is right to be done. When he was, before this voyage, in Jersey, he was at once at the head of the civil and military departments of government. That commission was at an end. And being only commander in chief at this time, the answer of the court was that in which he could not legally interfere according to the laws of Henry the seventh and James the first.

Notwithstanding this he still persisted in his absurdity: and willing to acquire popularity by the pardon of Flott, he proceeded to the most ill-judged resolution that ever entered the inverted intellect of any man. In consequence of this difference, the lieutenant-bailly wrote him a letter, cavalier enough, on this subject. Charles was knowing in this man, and that to set Bentinck on motion, was inevitably to make him go wrong. He saw his design, and treated him with that contempt, which those who transact the works of darkness justly deserve; and constantly receive on such occasions, when it becomes expedient to have no longer a connection with them.

By disclosing the iniquities of the Lemprieres, Bentinck would now condemn himself, both by his long concealment of them; and by their being published in consequence of a quarrel. The lieutenant-bailly therefore bade him defiance.

Bentinck, in consequence of this treatment, advanced as Lempriere foresaw. He prevailed on the four dissenting jurors to exceed the practice of

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the court; and to write him a letter, as a kind of remonstrance against the opinion of the lieutenant-bailly and the majority of the jurats. This he was to present to the earl of Rochford, in justification of his conduct on this occasion. And was it not politically intended? Are not remonstrances the things with which to prove his good sense; and captivate the ministry at present? In this letter it is said, "that considering all the circumstances of commiseration attending the petitioner's case, the said Nicholas Fiott appears to us as most proper object of his majesty's mercy; and a man, in our humble opinions, very well deserving to partake of the royal clemency in his present situation."

To Bentinck alone this wrongheadedness is to be attributed. The dissenting jurats know the oppressions of Lempriere, and the cruelties inflicted on Fiott; and by these motives they were prevailed on to acquiesce in this unconstitutional proceeding. The faction is Bentinck's. The jurats in pursuit of justice, saw not his mistaken intention; for loyalty is natural to a Jerseyman; and they detest the disturbers of the public repose. But it is humbly hoped that the artifices of knaves; the absurdity of blockheads; and the ill-judged and injured zeal of the four jurats will not preclude an honest and deserving man, whose sentence will now appear to be so unexceptionably unjust, from the mercy of his benignant sovereign.

I shall now offer a few animadversions on the subsequent order of council, by which that collection which is called a code of laws, is now established in Jersey. More particularly with regard to those parts which are contained in the order itself, as far as it relates to the rights and dignities of the king; and to the improvement of the privileges,

vileges, rights, liberties and happiness of the people, which constitute the great object of the insular petition.

At the court at St. James's, the 28th day of March 1771,

P R E S E N T

The King's Most Excellent Majesty,

<i>Duke of Ancaſter,</i>	<i>Earl of Briſtol,</i>
<i>Lord Chamberlain,</i>	<i>Viſcount Falmouth,</i>
<i>Earl of Rochford,</i>	<i>Viſcount Hinchinbrook.</i>

WHEREAS there was this day at the board a report from the right honourable the lords of the committee of council for the affairs of Jersey and Guernsey, dated the 28th of this instant, upon considering the annexed collection, or code of laws, agreed upon by the states of the island of Jersey, and transmitted for his majesty's royal approbation. — His majesty taking the same into his consideration, is hereby pleased, with the advice of his privy council, to approve, ratify, and confirm the said collection, or code of laws; and to order that the same, together with this order, be entered upon the register of the said island, and observed accordingly. — And his majesty doth hereby declare, that all other political, and written laws, heretofore made in the said island, and not included in the said code, and not having had the royal assent and confirmation, shall be from henceforth of no force and validity. — And his majesty doth hereby order, that no laws or ordinances whatsoever, which may be made provisionally, or in view of being assented to by his majesty in council, shall be passed but by the whole assembly of the states of the island; and with respect to such provisional laws and ordinances, so passed by them, that none shall be put, or remain in force, for any time longer than three years; but that
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the same, upon its being represented by the states to his majesty, that such laws and ordinances are found by experience to be useful and expedient to be continued, shall, having first obtained his majesty's royal assent, and not till then, be inserted, and become part of the code of the political laws of the said island.—And his majesty doth further order, that when any thing is proposed to the assembly of the states, it shall be wrote down in the form in which it is meant to be passed, and then shall be debated; after which it shall be lodged au greffe for fourteen days at least, before it shall be determined; in order that every individual of the states may have full time to consider thereof; and the constables to consult their constituents, if they judge necessary; and that this delay be only dispensed with in case of emergency, in which the safety of the island may happen to be immediately concerned.—And his majesty doth hereby further order, that in case it should happen that the governor, lieutenant-governor, or commander in chief of the said island, should not be present at the assembly of the states; then, that before any acts or matters determined therein shall be effectual, application shall be first made to the governor, lieutenant-governor, or commander in chief, to know whether he chuses to make use of the negative which he hath.—And the governor, lieutenant-governor, or commander in chief, the bailly, and jurats, and all others his majesty's officers in the said island, for the time being, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

Signed William Blair.

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From this order it is self evident, that the materials of which this code is composed, were not only collected, but formed into a code also in Jersey. I have already mentioned the persons, the propriety with which they were selected; and the probability of what would be the result of their being employed in making this collection. The names of those who formed it into laws, shall now be laid before my readers.

These consisted of colonel Bentinck, the lieutenant-bailly, Poingdestre and De Carteret, jurats; of the dean, Mr. Dupré and du Parco, ecclesiastics; and of Mr. Durel, Pipon, and Nicholle, constables; all of whom were named and appointed by Bentinck. By these men, in a secret committee, the code was formed. The laws were then proposed in the assembly of the states, and voted without a previous examination by the other individuals of that assembly.

During the time in which the states are assembled, no inhabitant is ever admitted to hear their debates, except the persons who officially appertain to that body. So that no other man can be acquainted with the nature of a law; nor of what it is to consist, before it is enacted and promulged. But in this instance the present solicitor-general was consulted in private by colonel Bentinck.

By the constitution of the island, and by their oaths of office, every constable is obliged to consult his constituents in all matters of legislative concern, previous to the day of their being debated in the assembly; to hear their opinions; and to follow the advice of a majority in the respective parish which he represents. The authority of his

his majesty's special commissioner, empowered him to have these laws to be laid, by the representatives, before their constituents, antecedent to their being passed in the states. On what account, therefore, was that privilege denied them on this important occasion, when those laws were to be formed, by which they are to be made either happy or miserable, with which they more especially ought to have been acquainted in what manner the objects of their petition were to be obtained, which they are by the laws entitled to know, before they are passed into acts: and become irrevocable and irremediable by the people? Can this delinquency be ascribed to any other cause, than to the pernicious ascendancy which the Lemprieres had obtained over colonel Bentinck; and the premeditated resolution of concealing these acts from the inspection and knowledge of the public, that the intentions of Bentinck and the Lemprieres might remain in secret; and the islanders be unredressed by his majesty's benignity?

For although the ignorance of his majesty's special commissioner may be offered as no unreasonable plea for this misconduct in many cases; in this it can avail him nothing. Because the petition of the inhabitants, his collector the present attorney-general; and his counsellor the present solicitor-general, most certainly have informed him, that he had a just authority, according to the constitution of the island, to insist that these laws should be laid before the people; that it was a right to which they were entitled; and a duty which he was indispensably bound to discharge by his oath. On this occasion he ought to have observed it; altho' neither he had been bound by that sacred obligation; nor
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the people possessed of an undoubted claim to that privilege. Their petition was, in fact, against the magistrates, who were engaged in forming this code. Ought not the islanders, therefore, to have known whether their liberties, or their fetters were in secret forging, by those magistrates, before these laws were passed?

That the Lempires and their confederate jurats should persevere in their usual invasion of the insular rights, is too natural, and too habitual to be expected otherwise. That Thomas Pipon, their nephew, should contribute to continue the same practice, is the necessary result of his former servility. But to what motive shall it be ascribed, that the patriotic counsellor of colonel Bentinck acquiesced in so degenerate and so destructive a measure? Can it be imputed to an implicit obedience to the will of the special commissioner, that his tongue was held in silence? Or to the promise of being made solicitor-general, which he hath since obtained for himself? Is it from these causes he now persists in applauding the indefensible measures of his contemptible patron? Such, and so similar are the effects of patriotic profession, both in the little state of Jersey, and in that of Great Britain; a parade of words, a delusion of the people, and a desertion of the cause, in order to acquire the means of private advancement. I shall now leave this patriot to explain his motives, and justify his conduct to his fellow-subjects, whose rights he hath so long, and so earnestly pretended to support.

By this code, approved and ratified by the council; and ordered to be observed in Jersey, all other political and written laws, heretofore made in the island, and not included in this code, and

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not having had the royal assent and confirmation, are henceforth to be of no force or validity."

With the contents of this new code I am not acquainted. But I understand the characters and designs of those who formed it; and the particulars which are contained in this order of council. And I doubt not to satisfy every impartial reader, that these were planned, if not drawn, by the lieutenant-bailly. From those circumstances, together with the concealment of the laws from the inspection of the islanders, I derive a plenary conviction that this collection also is fraught with mischief, or at least effete and unbeneficial.

It is self-evident that no real laws are hereby abrogated; but such ordinances only as were made by the states, or by the court. And these were neither legal, nor of any validity, at the moment of this abrogation*, as it is positively pronounced by that order of king and council, "in which they are declared to be only provisional ordinances; and to have no power nor property of law, until they be confirmed by the king." So far then there is nothing abolished.

By this code all the arbitrary power which was imparted to the court by the ordinances of Elizabeth; their municipal laws and local customs, so destructive of right and liberty; the insolence of denying the means of appeals; the forcing of the inhabitants into the more expensive and odious petitions of doleance; the being subjected to imprisonment, on the suggestions of the attorney-general; compelled to accuse themselves by the torture of a prison on bread and water; doomed to condemnation on the presumption of

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* Order of council, 2d of July, 1619.

the court; fined and rendered infamous, without being permitted to adduce a witness to prove their innocence or guilt, or an advocate to defend their cause, remain in full power. The detestable practice of converting personal offences, and even no offences at all, into criminal acts, is suffered to remain unaltered. They are still deprived of an act of Habeas Corpus, and doomed to imprisonment and fine for daring to sign a petition to their king; for murmuring against the iniquities of their magistrates; and for censuring the acts which may be made to enslave them. All these evils are still exulting in full rampancy. Can that collection be deemed a code of laws, in which these mischiefs, and innumerable others, are still unremedied? Do not the islanders, therefore, continue exposed, not only to the tyranny from which they petitioned to be relieved, but are they not reduced to a situation still more deplorable and slavish by this very order of council, which was intended to emancipate them from their miseries? That this is the truth shall be ascertained by the subsequent animadversions.

From the tenour of this order it is indisputably evinced, that the committee of council for the affairs of Jersey, have been imposed on by the artifices of designing men. And this shall be proved from the words of the order; that although they express an intention of imparting constitutional improvements, they do in fact deny them. Such being the case, can there exist a doubt but that it was planned and drawn by the lieutenant-bailly of Jersey; that hardened impostor, and insolent deluder of his superiors; even of the privy-councillors of his sovereign? In order fallaciously to communicate the idea of every law being henceforth to be enacted without the influence

ence of himself, and of the judicial power, it is said, "that no law is to be made but by the whole assembly of the states." Is it meant by these words, that every individual shall be present on all such occasions? There will then be but few assemblies. A majority of the states, as I have already shewn, is at present; and must eternally remain to be, in the hands of the chief magistrate. The only difference, therefore, in this appointing of the states, and prohibiting of the court alone to be the enactors of laws, is in the words, assembly and court. For the power exists as ample and as coercive, of the latter over the former at this moment, as in all the past. And as the committee of council were not acquainted with that truth, this semblance of alteration, in the manner of making laws, operated exactly as a reality; and induced them to approve, as a legislative advantage, that which can convey no benefit to the islanders.

By these means, in what excessive despotism are not the lieutenant-bailly and the court of Jersey now confirmed? Those acts and ordinances, whose power originally extended but to the duration of a year; which were to be made but on occasional concerns; and which were not laws until they were confirmed by the royal assent; are now constituted to be positive and permanent acts of legislature for the continuance of three years. They are to be equally valid with their ancient laws, and orders of kings and councils; and this without the assent and confirmation of their sovereign, of his governor, or other commander in chief in Jersey. In consequence of this new authority, the lives, liberties, reputation, and properties of the islanders, are in the hands of the chief magistrate and the court; and this tyranny may be accomplished without the knowledge of the king and council for a triennial continuance; during

which time the states are not obliged to transmit to the council an account of the laws that are enacted in the island. A permission which hath never been granted, before this hour, to any legislature dependant on the crown of these realms, however distant from Great Britain.

Such is the singularity of this order; that although the laws, which they enact, should be found by the experience of a few days to be destructive to the inhabitants; they are nevertheless to remain three whole years in full force and pernicious operation; although every week affords an opportunity of transmitting them to the council; and of their being abolished.

Hence it appears that instead of being freed from the usurpation of the court in making acts, and in continuing them beyond the year, which were not laws, nor to be considered as such; and which formed one of the most important articles of the grievances in their petition; there is at present imparted, in fact, to the court alone, or rather to the lieutenant-bailly, the right of making what laws they, or he, shall think proper; and thereby of supplying whatever acts of tyrannous injunction may have been abrogated by this new code. But such is the case, from those who composed it, there is great reason to suspect it contains no abridgment of their former usurpations. For most assuredly it will be allowed, from all that has been already shewn of the conduct of a majority of those committee-men who formed this code, that they can entertain no idea of diminishing their power of holding the people in slavery and oppression. Since all their proceedings of transferring the posts of attorney and receiver-general to their nephews, and other treacherous machinations, absolutely pronounce that such was not their intention.

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When this probation of three years is expired, on whom does it depend, whether the laws be represented to the king and council as beneficial, or injurious?—on those very men who enacted them; a majority of whom must inevitably be subservient to the dictates of the lieutenant-bailly. Can the antecedent history of Charles Lempriere, and his conspirators, suggest the most evanescent trace that they will represent such laws, as are supportive of their power, to be prejudicial to the rights, liberties, and properties of the islanders? Besides, should the perniciousness of any law be conveyed by any other means to the council, will an attention be paid to such intelligence, which comes not from the states? And if it should: are the same magistrates impeded, by this order, from repeating the like laws in other words; and from perpetuating their powers of despotism to that duration which they please, if this ordinance shall remain unrevoked?

It is the fate of this order of council to be replete with uncommon singularities. “The laws which are to be enacted by the states, are to be written in the form in which they are meant to be passed, and be determined. And on the day in which they are proposed in the assembly, they are to be debated, and to be lodged *au greff**, for fourteen days before they shall be determined.” By these means the order of things is absolutely inverted. And the debate on the propriety of an act, is to precede the power of knowing what it contains; and of considering its intention and effects. This seems to be beginning with the desert, and concluding with the soup. Would it not have proved

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* The greffier's, or recorder's office.

more contentaneous with the insular advantages, to have ordered that the act be deposited in the office fourteen days before the debate, than fourteen after it? Is it not more prudent to consider before we debate; than after we have debated, to consider? Every debate supposes a conclusion. And should it be resolved that a law be lodged *au greffe*, would not that be adequate to the passing of it? Since so very few men are inclined to retract their opinions in such cases. To what purpose then will it be deposited in that office for the inspection of the individual members of the states?

Besides the preceding circumstances, "the act is to be drawn as it is meant to be passed." From that circumstance there remains no right of amending or of altering it, in consequence of any debates in the assembly. It must be received, or rejected entirely. And as the present attorney-general is so manifestly subservient to the designs of the lieutenant-bailly; and he, from the nature of his office, must draw these acts; will they not invariably be such as the seigneur de Roselle shall dictate to him in private? For there can be no debate in what manner these acts shall be drawn, before they are delivered to the states. What then is this article of the order less than imparting to the chief magistrate the power of instituting whatever laws he pleases? for nothing but a total inattention to the influence which I have shewn that he possesses, can countenance a denial that he is absolute over the suffrages of a majority of the insular assembly.

"The act, however, after the debate, is to be lodged *au greffe*." This particular clause, were there no other, evinces that this order of council was planned by Charles Lempriere with the consent of colonel Bentinck, before that honorable commissioner and Thomas Pipon left the island of

of Jersey. Does not the insidiousness of these words, *lodged au greffe*, afford a conviction of the truth of what is just alledged? They apparently convey, to the committee of council, no more, than that this act shall be lodged in that office. But they absolutely interdict the power of taking a copy of it, by any person whatsoever. For such is the invariable meaning of *logé au greffe*. Was it not, therefore, expressed in the preceding manner, in order to seduce the council to believe, that the intention was no other than that of leaving the acts open to be copied by the individual members, with a view to their being laid before their constituents? And yet, the contrary of that privilege is effected by these very terms.

And in this instance, is it not purposely contrived, that even the court of Jersey can not legally grant a permission of the acts being copied without violating the order of his majesty in council? Of this authority the lieutenant-bailly will certainly avail himself on these occasions; though he derides and disregards it in all those instances which he disapproves.

The constables therefore must carry these acts in their memory, if they carry them at all, when they lay them before their constituents. And if there shall be several of them ready for inspection at the same time; or even but one only, what kind of representation of those acts will these members of the states make to the people? From the nature of the human intellect, which in two different persons, does never make the same observations on the same thing; the contents and purport of these acts must be differently related, in the several parishes; and the constituents be absolutely uncertain whether it be more preferable to approve than to oppose them.

The people, therefore, in fact, can know nothing of their laws till they are voted *au greffe*; and then they can acquire no certainty of their contents till they are passed and published. With the design, therefore, of preventing the other inhabitants from inspecting these acts, it is expressly said, in the preceding order of council, "that they shall be *lodged au greffe*, in order that every individual of the states may have full time to consider thereof." The members must, therefore, singly inspect them. And the people are not permitted to read; nor their representatives to have copies to be laid before them. Of what effect then is this part of the order, unless it be to permit the constables to represent these acts to their constituents in that manner which they shall think proper; or as the lieutenant-bailly shall direct them? By these means, the ancient and constitutional right of the islanders, of being acquainted by their representatives, with the acts which are to be laid before the states; which privilege the lieutenant-bailly and his jurats had illegally invaded, is not only not restored; but the contrary is now established as a positive law, by order of council; and the power of evading, or rather an impossibility of the peoples being informed by what laws they are to be governed, untill they are enacted, is legislatively confirmed.

But the fatal effects of this order rest not at this point. The privilege of the islanders, which gives them the constitutional right of being acquainted with their laws, previous to their being passed; or even of having them laid before them by the constables in the preceding and imperfect manner, is absolutely annihilated. "For the constables are only to consult their constituents, if they judge necessary."

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In this manner the oath of the constable, which obliges him to lay all acts, previous to their being passed, before his constituents is dispensed with, by order of council; the people are deprived of their ancient and lawful right of requiring it; their representatives can take no copies; and the inhabitants are interdicted from reading the originals themselves. Of what use then can the lodging those acts *au greffe* be to the islanders, supposing they were to remain in this condition fourteen years, instead of fourteen days, before they were determined? I appeal, therefore, to the decision of all those who shall read this narrative; and to that of every unprejudiced man in Jersey; whether the lieutenant-bailly, with the powers which he possesses, over the suffrages of the electors and the elected, be not constituted absolute master of the persons, votes, and conduct, of a majority of the states; and empowered to enact what laws he shall be pleased to distinguish with; such is our will.

Should the constables incline to lay these acts, in the manner they are remembered by them, before their constituents; and, any one, among that number, presume to expose the absurdity, mischief, or impropriety which they contain; what would then be the consequence of such freedom of speech? When by the 37th article of the ordinances of Elizabeth, already related in the first volume, it is established, "that if any person shall contradict, the ordinances, or murmur against them, and the magistrates in general or particular, they shall be severely punished by imprisonment or fine, or both, at the discretion of the court. And the magistrates, on their oaths, are to extinguish the roots, occasions and commencements of all misbehaviour which may hereafter arrive."

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21 With what rigour this authority will be carried into execution, I appeal to the cases of those persons who were imprisoned, in consequence of the preceding law, for the seditious, menacing, and injurious conduct, of a few inoffensive words, which were falsely asserted to be against the Jurisdiction, since the 28th of September 1769; and to the inhumanity of that infliction, which Robichon received for his inoffensive freedom of speech against an act of the states. At the same time I presume to assert, that all the others would have been condemned to like punishments, by the court, had not the most gracious pardon of his majesty intervened in their favour and to their preservation.

Such being the state of the preceding particulars, I shall now examine the clause which says, "that in case the governor, lieutenant-governor, or commander in chief, shall not be present at the assembly of the states, then, that before any acts, or matters determined therein, shall be effectual, application shall be made to the governor, and the other officers, to know whether he chuses to make use of the negative voice which he hath."

By the former laws of Jersey, no convention of the states could be summoned, but by the consent, nor held without the presence of some one of the preceding officers. But since it is in this order of council declared, "that in case these officers be absent, that the states may assemble, debate, and determine;" does not that circumstance imply; and actually impart, an authority to the chief magistrate; both to convene, and hold these assemblies, without the consent, or presence, of either of the preceding officers? What then is become of that legislative right, which was untill this time inherent in his majesty, and his representative,

tative, the officer who commanded in chief? Is it not annihilated in that respect; and the governor and his lieutenant reduced to a legislative cypher, to follow the unite; and to augment the valuation of the lieutenant-bailly?

Whatever may be the conclusion on that head, * "the governor, or other commander in chief, is obliged to call the states together within fifteen days after the lieutenant-bailly, or the jurats shall require it." To the preceding paragraph it will be replied; but to what purpose are these objections made to this clause of the order of council, when "the governor may make use of the negative voice which he hath?" Here again the insidiousness of Charles Lempriere is indisputably visible; that these expressions were intentionally introduced, to impose on, and to deceive his majesty and his council; and to create a persuasion that the commander in chief hath the right of exerting his negative in all cases of legislative acts, which may come before, and be passed by the states.

But the fact is, that he hath no such right, nor authority. For by the order of council just cited, it is ordained, "that concerning the governor's negative voice in the making of ordinances, it is now also ordered, that he shall not use his negative voice but in such points, as shall concern our special interest." In this manner the words, "the negative voice which he hath," are in fact, the negative voice which he hath not. And now I defy the utmost credulity of a believing methodist, to conceive that these words, *which he hath*, were not inserted with premeditated resolution to deceive the council into these means of rendering the

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* Order of council, 2d of July, 1619.

* 2d of July, 1619.

lieutenant-bailly absolute in power, by a fallacious representation, which implying that the governor hath a negative voice in all cases, do really signify that he hath none, but in those wherein the special interest of his majesty is concerned. And that is such, in which nothing either civil, personal or criminal is included: and it is considered to be solely relative to affairs of the military, in the island of Jersey.

Such then is the result of this order of council. Those acts which, before this time, had neither power nor property of law, untill they were confirmed by the king, are now positive laws for three years, without the royal assent, and renewable in other terms to all eternity, at the expiration of that triennial permanency. The legislative authority of the king is therefore exterminated in Jersey, as long as this order of council shall subsist. The states may be convened, and held, without the consent or presence of the governor, or commander in chief. And the despotism of the lieutenant-bailly, and the enslavement of the people, are established.

On a cursory examination of this enquiry into the contents of this order, I am perfectly persuaded that many persons will imagine, that both the committee for the affairs of Jersey, and the privy-councillors who signed it, have laid themselves open to censure in this affair. But nothing would be more unjust. For by what means could these noblemen conceive that the lieutenant-bailly was absolute master of a majority of the states; that an act being lodged *au greffe*, was an interdict of its being copied; that the governor, who was to make use of the negative voice which he hath, was in reality in a state of impotence of using it: or that any men could possess the effrontery of daring to

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advance such illusions? Before the printing of this Narrative, the knowledge of these circumstances, and of the constitution and affairs of Jersey, was nowhere to be found in any publication.

On whom then does the criminality of all these mischiefs, poured on the loyal islanders of Jersey, these deceptions, fallacies, and impositions on the council, rest? To the excess of all human probability, on the lieutenant-bailly of Jersey. To demonstration, on colonel Bentinck, Philip Lempriere, the late attorney-general; and Thomas Phipps the present, who were then in London; and who must have seen this order in the hands of the clerk of the council, when it came from the committee; and before it was presented to his majesty in council to be superscribed by the noblemen whose names appear to it.

I therefore require these three presumptuous men to assign their reasons, why, being all conscious of the true meaning of the preceding passages; and that they could not be truly comprehended by the committee; nor the council, they did not acquaint lord Rochford therewith. But persevered in audaciously concealing the truth from him; and thereby deluded that secretary of state, and the other noblemen and privy-councillors, to affix their names to the subversion of his majesty's legislative authority in the island of Jersey; and to the establishment of arbitrary power in the lieutenant-bailly, and of slavish oppression on the unhappy islanders.

Such then is the issue of the insular petition. Instead of obtaining relief from their grievances, and the despotism of the Lemprieres, slavery is established on the inhabitants by an order of council; and this pretended code of laws, and all that has been legislatively transacted, are absolutely a deception

tion of the islanders ; obtained at the expence of two hundred pounds, in preferring their petition, and by the consequences which have attended it. And in this place I will again ask, if more than one motive can be assigned for this perfidious conduct of the honourable Rudolph Bentinck.

In this manner the legislative colonel hath executed his commission. He hath returned with a remonstrance, in a manner unknown before ; and left a precedent for such illegal procedure on future occasions. He was sent to restore tranquility to the island ; and he hath excited a contention between the magistrates. The people are divided into two unequal parties. The few possess the power, and the many are exposed to the oppression with which the former exercise it. And here ends the legislative commission of the honourable Rudolph Bentinck, commander in chief and special commissioner of his majesty in the island of Jersey.

The colonel is now set out to visit a sick father in Holland. And he hath left his character in England to live or die without assistance. It is not a little singular, how extremely fortunate he hath proved in the opportune diseases of his relations. When no small clamour was excited against him, on his first commission in the British troops, he had then a dying cousin, whom he was obliged to visit in Holland. When he was made lieutenant-colonel, and a like opposition was raised against it, he was taken from England by a pious attention to his uncle in that country. And at present, when he is conscious that the defence of his conduct is impracticable ; and he has been told that it would be examined ; the calls of a dying father have summoned him to attend his last moments.

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On all these occasions he has found the opposition, to his enjoying that to which he is not entitled, to have subsided. If ever he returns, he shall now find himself mistaken. In this place I will give him my mind in a story; and I desire the Lempriers to apply it to themselves also.

After the restoration, the heroic countess of Derby, who had so gallantly defended Latham castle against the rebels, was in the isle of Man, in which she was queen. Two regicides landed in her dominions, and she ordered them to be immediately seized. These rebels pleaded their pardon, which, as they said, the ministers had obtained for them. The countess replied, the ministers may, if they please, pardon you for killing their master; but I shall certainly hang you for murdering my king. And she was a lady who never violated her honour by breaking her promise.

I shall now lay before my readers, an insolence of the lieutenant-bailly and the court, scarce less egregious than any of the preceding. In the antecedent part of this chapter, the pardon which was granted by his majesty, and published before the colonel left the island, is represented as universal to all those who had been concerned either on the 28th of September, 1769, or since that time. This I now find to be a mistake. That pardon included none but those who had offended in the riot. * The second pardon hath since been published, relative to all those who have been accused since that time; those, for example, whose cases are related in this volume, and who were imprisoned for their conduct, seditious, menacing, and injurious to the jurisdiction.

From

* Vide Appendix, No. 20.

From the pardon of his majesty it is evident in what manner the idle talk of these ignorant persons hath been represented to the council, by the court of Jersey, in affidavits relative to that affair. These affidavits, I humbly presume, are not those deposed on their trials, and published in this Narrative. But such as were taken in secret in the chamber of the lieutenant-bailly, where none but a few of his trusty accomplices were present, and not in open court, as these magistrates intend it should be received by his majesty in council. It seems necessary, therefore, that some credible witnesses should have testified that these were real affidavits.

It is not a little singular, that although his majesty hath been graciously pleased to grant his pardon to all such persons as may have been concerned in any malicious and threatening behaviour, tending to excite new disturbances, from the 28th of September, 1769, that the lieutenant-bailly and the court have thought fit to make an act to ratify this pardon of the king.

In this act they have enumerated all the offenders, Thomas James Gruchy excepted. This is the person whose estate lies on one of Lempriere's fiefs, and whom he recommended to Bentinck to be transported. In this omission is there not just cause to suspect, that the seigneur de Roselle hath some mischievous self-interest in view?

One thing it is impossible to leave unrepresented in this act of the court of Jersey. It is the intolerable impudence of this bailly's deputy, and his jurate conspirators. His majesty's pardon is not published, in obedience to his royal commands; and because the lieutenant-bailly and the court are
ordered

ordered to take notice and govern themselves accordingly. But that they have been pleased to comply with it, *because the court being always disposed to conciliate their conduct to the intention and clemency of his majesty, and induced by their examinations of the said accused, to the re-establishment and support of the public tranquillity, have discharged the said accused of all prosecutions on that account.*

Patience, good heavens! The bailly's deputy, and his jurats of Jersey, will always find themselves disposed to conciliate their conduct to the intention and clemency of his majesty and his council. However, this gracious condescension in them was not entirely granted from their good disposition to conciliate their conduct to the king's intention, *until they had examined the said accused; and therefore they were discharged from all prosecution.*

Can this be the act of so contemptible a magistrate, and of so inferior a court? Is it not an acceding of one prince to the requests of another? Of an equal to an equal? Of Charles, the emperor of Jersey, to George the third, king of Great Britain? Or is this concession in consequence of some treaty of alliance, subsisting between these two potentates? To what is the sovereign of these realms reduced, if those unexampled insults of his bailly's deputy of Jersey, shall be permitted to pass unpunished? There is no precedent for such an act; on registering a royal pardon. This indignity is recorded even in the court of the king himself. The act, printed in the Appendix, is a copy authenticated by the greffier. And no evidence upon earth can disprove its testimony. What then is to be the issue of this atrociousness.

Such then is the deplorable state of these faithful islanders, whose allegiance hath been unpolluted but in the family of that lieutenant-bailly, who is the

author of their perdition, and is now their established tyrant, unless his majesty shall graciously interpose in their salvation from his oppressions. Against these calamities they have no lawful power, either to petition or to remonstrate, without the special permission of the king, which was spontaneously granted them on the last occasion of laying their calamities before the throne. For by the *orders of Elizabeth, no man shall practise the signing of petitions against the magistrates, in general, or in particular; but they are thereby subjected to be severely punished by imprisonment, fine, or both, at the discretion of the court.

The numerous hardships already related, and unknown to the other subjects of his majesty, the loyal islanders of Jersey have long suffered. These and the present pangs of disappointment they might yet bear, were they not aggravated by the most intolerable of all afflictions, the perfidiousness and impudence of Charles Lempriere, the lieutenant-bailly. They behold, with indignation, their king rescinded from his executive right of administering justice to the islanders, by that most atrocious interdict of registering the orders of king and council, which was pronounced by his bailly's deputy this time twelve-month; by which the rights of the subject, and the laws of the land are dispensed with; and frustrated in the case of Mr. Fiott.

They behold, with like grievous sensations, in the late order of king and council, planned and contrived by Lempriere, Bentinck, Thomas Pipon, and their conspirators, the legislative rights of his majesty subverted in the island; and his authority treated with most unexampled indignity.

They

* Orders, &c. 3d of April, 33d of Elizabeth, vol. 1, p. 219.

They behold also, Charles Lempriere exalting himself as an equal to his king; and treating his pardon as a request, to which he hath condescended to accede, on examination of the contents; and to ratify by an act of the judicial court of Jersey.

Such is the allegiance of these islanders, they feel this treatment of their sovereign, for such they still believe him, with more affliction and resentment, than their own oppressive sufferings and enslavement.

They strenuously confide, therefore, whatever may be the fate of their own rights, liberties, and privileges, that the servants of his majesty will not permit their sovereign to be thus indignantly treated, by his bailly's deputy. To the effecting of that purpose there can need no petition nor remonstrance on the part of the islanders. The acts of the court of Jersey; the late order of king and council, so insidiously obtained, are incontrovertible testimonies of the truth of what is related: and which the powers of man are unable to disprove. On that authenticity they rest their cause; convinced that if those important objects, so derogatory of royal right, dignity, and the very existence of a British monarch, be not attended to, that it must prove in vain for them to offer another petition; and to supplicate the mercy and the justice of their sovereign.

C H A P. VII.

On the impracticability of removing the oppressions of Jersey, while the constitution remains in its present form.

THE laws which have been instituted, on the present occasion; and the prospect of their utility to the islanders, have been already remarked; but while the constitution of this little island remains as it exists at present, the most unexceptionable code must prove to be ineffectual; unless the chief magistrate be such a man, as is truly a prodigy of more than mortal virtues. Power, and the desire of exerting it, are so intimately connected in the human heart, that, without an adequate authority to controul them, in other hands, it will assuredly be carried into indiscriminate execution; and in whatever country it may happen, where the decisions of property are in the disposal of the magistrates; and these magistrates are virtually exempted from examination and re-judgment; they in fact are tyrants and the people slaves.

There may exist eccentric moments of resolution, in which the opposition of the people may prevail against the invasions of the magistracy; but where right can be only obtained by resisting the

the will of those who dispense the laws, the distribution of justice is confessedly an evil ; and the judges are a pest to be averted by the perpetual application of antidotes alone. As long as the jurats of Jersey constitute the jurisdictional authority ; form a part of the legislative assembly ; and are established for life ; their power must be absolute ; and the election of the popular representations be a delusive semblance of liberty and advantage. Those who can dispose of litigated property, must have, in their hands, the unfailing instruments of corrupt influence : for whether a people be purchased to vote as they are directed ; or intimidated from exerting their privileges by the apprehensions of being deprived of their possessions, the result is exactly the same. And altho' the force of the magistrates and of the constituents may run in currents opposite to each other, the strength of the former being uniform and regular, and the latter subject to temporary remissions, that of the people will, at length, be overcome ; and be carried in the same direction with the magistracy. That this power exists in Jersey is evident, from this source of permanency in the judicial part ; as well as from other circumstances in the constitution. Whatever cause is decided, in which the object of contest does not exceed the value of twenty pounds, there is no appeal. Be the laws, therefore, the most equitable, the determination may nevertheless be the will of the magistrates ; because there is no privilege of having these causes re-heard ; nor of enquiring into the delinquency of the jurisdiction ; every man, therefore, being submitted to their arbitrary decisions, all are in their hands. And if the constables were elected monthly ; both they, and their electors being within the power of

the court, a majority of the states must inevitably become their dependants.

In such circumstances may not the representation for life in the constables be preferable to triennial elections? because the magistrates will be less enabled to free themselves from the embarrassment of honest men; which, with such an ascendancy over the suffrages of the people, they will certainly effect on new elections. Is not the frequency of choice in such situations an encrease of influence in the hands of the chief magistrate? and is not the path which leadeth to arbitrary power effectually rendered both more smooth and wider? In causes where the value of the litigated object will authorise an appeal, the sum of two hundred pounds is not worth the contention; if the person who loses his cause unjustly has an inclination to seek redress from king and council. Because the expence of an appeal exceeds the value of the object. And probably there are not more than fifty persons in the island to whom the deprivation of that money would not prove a considerable incumbrance on their affairs; and reduce their means of living. And of the numerous causes which proceed from the old Norman spirit of litigiousness, not one in five hundred is a contest for the value of one hundred pounds. Right, therefore, in the less wealthy, and in the poor, is a name without the power of acquiring it, dependant on the disposition of the judges. And of such men the number of the insular electors are formed. What then is the magistrate less than arbitrary?

The court, also, either grant or deny appeals as they please; and, when they are refused, the sole method of seeking redress is by petition of doleance. These are not only branded with the name of odiousness; but the expence of such pursuits

suits is greater than that of the former; and, in fact, too enormous to be supported by men of Jersey fortunes. Appeals and doleances are only for the rich; and all others are rescinded from these modes of acquiring right; or are ruined in the prosecution of it. Such is the real state of judicial power and of popular privilege in the isle of Jersey; and for the truth of it I appeal to the preceding part of this narrative.

In cases criminal and personal the situation of things is still more intolerable. I have already shewn by what legerdemain the actions of the latter denomination are converted into those of the former; and what horrid injustice hath been committed by the Lemprieres, and by the court in those infernal transformations. From such sentences there lies no appeal. So that the will of the magistrate makes the crime; suborns the law; and dooms the offender to what infliction he pleases. In all such abominable invasions on legal authority, and such intrusions of arbitrary power, by what methods are these transgressors to be arraigned and brought to justice? and in what manner is compensation to be made for the injuries which the subjects, thus inhumanly treated, have received?

Review the persecution of Fiott; the punishment of Robichon; and the others already related, and then decide of the dreadful condition to which the inhabitants of Jersey are subdued by these brothers, who have exercised the antecedent powers. The petition of Fiott is not for justice, but for mercy. And the fate of that people is deplorable, indeed, where the mercy of the sovereign is only to be implored against the injustice of the magistrate. It is a demonstration that they have lost the rights of human nature. And even this mercy of the king those apostates from his au-

thority and their own allegiance have dared to oppose. Robichon, the victim of Bentinck's folly and impious vanity, which were duped by the obdurate subtilty of the lieutenant-bailly, and an immense number of other unoffending sufferers, awed by despair of success, and dread of further affliction, complain in secret and reluctantly acquiesce. Such is the fate of these unhappy loyal islanders, that the sole family, which hath ever contaminated the island, which hath reigned for twenty years, and still reigns, consists of traitors to their king, and of tyrants to his subjects.

What curse like this can attend the race of man? loyalty must perish wherever the toleration of such magistrates subsists, beyond the revelation of their iniquities. The greatest and most ingratiating blessings which a sovereign can bestow, are the removal and the punishment of such criminals. For without the latter the justice of royalty is incomplete, and their dismissal only must appear like a commutation between the sovereign and the magistrate. The most fatal error into which a government can fall.

Alfred and Edward the first, are in no actions more truly illustrious than in punishing those judges who tyrannized and oppressed their subjects. Nor does the admiration and applause of the succeeding generations since that era dwell with more pleasure on any part of their immortal achievements, than on this justice to their people and to their unrighteous magistrates. And among the most criminal that history can afford, it will prove a laborious task to find such men as are more egregiously delinquent than those whose actions I have written.

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If the continuance of them on the seat of judgement be permitted, is it not to acquiesce with their past transgressions; and to countenance their future? and although the national resentment may never reach the royal ear, the hearts of the people will burn with indignation; their allegiance will be alienated; and their hands deny their office in defending him who may not protect with justice their rights, properties and liberties. He therefore who discloses such malversations of judicial tyranny is the sincere supporter of his sovereign and of his estimation. The applause of the few may be purchased by the bribes of money; but no revenues can supply those millions which can prevail over whole nations. To depend on corruption for the support of greatness, esteem and defence is the frame of Nebuchadnezzar; the feet of clay are unable to sustain the ponderous body made of metal.

James the second was justly driven from the throne of these realms, because he illegally assumed the power of suspending, dispensing with, and executing the laws, without the consent of the legislative authority. Shall Charles Lempriere, the bailly's deputy of Jersey, not only suspend, dispense with, and execute the laws, but even make such by the unlawful influence of the judicial court as shall deprive the subjects of their rights, liberties and properties with impunity?

Shall it be the undoubted privilege of Englishmen to petition their king for redress of grievances, free from being subject to commitment or prosecution; and the personal freedom, reputation and social rights of the Jersey men be in the power of an arbitrary court, without controul, for daring to subscribe a petition; or to murmur against the

the iniquities of their magistrates, without express permission from the king?

Shall the exertion of their constitutional rights, in recusing jurors, prepossessed in the disfavour of those whom they are to judge; shall the freedom of speech, in public meetings, be the undoubted privileges of Englishmen assembled to give instructions to their representatives; and the constituents of Jersey be stripped of their posts; hurried from their beds to prison; sentenced to bread and water; forced from their families and country; and they and their progeny be doomed to infamy at the will of a lieutenant-bailly, and of a weak and arbitrary commander in chief?

Shall the privilege of giving bail, for the lightest offences, be denied to Jersey men; and their magistrates indulged in granting it to felons, who, for a hundred crowns a man, are exempted from all further enquiry into their offences? shall the seigneur de Roselle and his jurors, who have persevered in the enormities which I have already related; and many hundreds more in my power to produce, remain unquestioned for these crimes? shall they insult the king; despise his council; enslave their fellow-subjects; bid defiance to all authority and justice; and triumph in their effrontery?

Shall Philip, the attorney-general, who has abandoned his native land, through dread of being put to death, by his fellow-subjects, for the innumerable cruelties he hath committed, be indulged in the transferring of his posts, to be held by others for his emolument; and laugh at the minister on whom he hath so audaciously imposed by the assistance of the faithful Colonel Bentinck? what then must prove to be the consequence of such indulgence? will not the acquiescence with
such

such atrocious proceedings sanctify the guilt of past oppressions, and encourage the magistrates to urge the people with still more accumulated calamities? will not the despair of justice, the resentment for inattention to their miseries be the result of it? and unless their loyalty be such of which no nation hath hitherto given an example, will not a revolt, or at least a disregard to the defence of the island be the consequence of the next war with France?

Happy for this kingdom, and the isle of Jersey, there is on the throne a sovereign who has resolution to deny the petitions of a factious race of republicans; that, under the delusive sound of liberty and attachment to his family, labour to destroy both him and the constitution; and who hears the complaints of his loyal subjects with attention, and relieves them as soon as they are known to exist. This proof he hath already given, by his desire to redress the grievances of his Jersey subjects, as far as the faithlessness and incapacity of an alien commissioner and a temporary commander in chief, hath disclosed the real state of the unhappy islanders of Jersey. From this attention to their calamities they are animated to hope that a further discovery of their sufferings will encrease and perfect the felicity which is so propitiously begun; and place them in an equal liberty with the subjects of Great Britain. And they presume their loyalty may offer a reasonable claim, to be freed from the thraldom of that race who have long been the rebels of their kings and the tyrants of their fellow-subjects.

Happy are the times in which the subjects may lay their honest sentiments before their king, with freedom and applause. And may heaven preserve us from the deprivation of that privilege, which the
indiscretion

indiscretion of groundless calumny against his majesty seems to invite. This publication was intended to disclose the violations which have been done to justice; the indignities which have been obtruded on his majesty; and to preserve his people in loyalty, right and obedience. With the means of revealing the antecedent transactions in my hands, had they not been given to the world, should I not be justly deemed a traitor to the king; an enemy to human kind; a friend to judicial tyrants; a supporter of the bill of rights; and an accomplice with Colonel Bentinck.

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APPENDIX.



To the King's Most Excellent Majesty.
The humble petition of your most faithful and most loyal subjects, the inhabitants of the town and parish of St. Helier, of the parishes of St. Omer, St. Peter, Trinity, St. John, St. Laurent, Grosvenor and St. Mary, in the Island of Jersey, (formerly part of the dutchy of Normandy) which has always remained under the true and lawful sway of your sacred majesty, and your most illustrious predecessors, who in reward of the approved and distinguished loyalty of the inhabitants, have not only allowed them the free enjoyment of their ancient laws and liberties, but have added other great and invaluable privileges, as appears by their different charters, &c. But as ever since the unnatural revolt of the greatest part of the said dutchy, your liege subjects of this island can in no wise participate or be subject to such laws and ordinances as have been and are from time to time made for the Government of the province since the said defection, many abuses have therefore crept into their laws and privileges, from the length and corruption of the times and manners, which it is become necessary to reform and redress.

Your petitioners most humbly beseech your majesty to take this their petition into your royal consideration, and that you would be pleased graciously to order, that the articles which it contains may for ever have the force of law, humbly conceiving this to be the surest and most effectual method of re-establishing, on a solid foundation, the public tranquillity, and of restoring a mutual confidence between the magistrates and the people of this island.

Most humbly prayeth,

1. **T**HAT as the produce of the island in the most plentiful harvest is not sufficient to afford subsistence for more than six or eight months to the inhabitants,

tants, the exportation of corn, bread, flour, meal, pease and beans, be absolutely prohibited.

2. That the free importation of all kind of victuals and provisions be allowed, agreeable to our privileges as an indemnification, and a reward for the great expence, fatigue, and danger, to which in time of war the inhabitants are by their situation exposed, that they may enjoy, by plenty and low prices, the sweets of peace.

3. That the importation of cattle and hog-meat from France, be under such restrictions as will seem proper, so that the farmer may not be discouraged from breeding, and that the poor may not be distressed.

4. That the exportation of cattle and every kind of provision be prohibited, except such as are necessary for victualling ships, bound from this island to foreign parts, except also cows, which may be sent to Great Britain, under such restrictions as will seem meet.

5. That the support and repair of the high-roads be effected by a general rate on the whole island, and regulated in such manner, that the poor and the rich, without exemption of rank and office, may contribute to it according to their circumstances.

6. That there shall be no other fine for boughs affecting the roads, but such as is inflicted at the visit of inspection, according to ancient usage.

7. That every one who owes tithes to the revenue, and to lords of manors, shall have the preference of such tithes due by him, on paying the price for which they might let to others.

8. That when it is expedient to make or alter local laws or ordinances, to raise rates or subsidies, the constables shall decide nothing thereon until they have consulted their constituents, as they are by oath bound to do.

9. That when any constable has served three years there shall be a new election, as well as of his officers, and that the parish accounts shall be settled every year.

10. To obviate and remedy the many inconveniencies which may arise to the publick, and those who are obliged to exercise the office of jurat, from the perpetuity of it, there be such a duration prescribed as will seem meet to your majesty, on the expiration of which the jurat shall be discharged, and a new election ensue, wherein he may if he does not refuse it, be re-elected by the

the people: that all elections be absolutely free, and every civil and military officer strictly forbidden to interfere, directly or indirectly.

11. That when the price of corn has, through the course of any year, exceeded a certain rate, the court may have power of reducing the rents to what will appear just and reasonable, in order to relieve the poor, and those overburthened with rents.

12. That your majesty be graciously pleased to appoint an *avocat du roi*, with the same authority and power as of old, by which your petitioners hope to see the constitution restored, and the many hardships removed, under which they have laboured through the too absolute power of the *procureur du roi*.

13. That the regulations for the market, and particularly those contained in the act of the 11th November, 1700, be renewed, and put into due execution, to prevent monopolies, and that the market be duly provided with corn; and finally, that all abuses on this article, and on all provisions, be removed, and that the assize of bread, which has been for many years neglected, be again put in practice.

14. That no strangers be permitted to settle in the island to the prejudice of any inhabitant, except refugees, for the sake of the protestant religion, who are permitted and encouraged in all your majesty's dominions.

15. That the revenue arising from the imposts be applied to compleat the harbours of St. Helier's and St. Aubin's, and to build stores and warehouses where it will be thought necessary for the good of trade, and to keep the harbour, stores, and warehouses in due repair, all which being accomplished, that the residue may form a capital, the interest of which be appropriated to the use of the poor in the general hospital.

16. That the introduction of all goods, ware and merchandize, not prohibited by royal authority, be allowed; that every privilege whatsoever granted to the inhabitants of this island, as a reward for the consummate loyalty they have at all times demonstrated towards their august sovereigns, and for their military and other services, be maintained and preserved without any reduction or change, but such as your majesty has or may order.

17. That in all criminal proceſs, one of the beſt lawyers be allowed the priſoner to aſſiſt him in his defence, agreeable to the maxim, that it is better for a hundred criminals to eſcape puniſhment, than for one innocent man to ſuffer; and that in all other cauſes whatſoever, after the plaintiff has fixed upon one lawyer, the defendant be allowed any other, in conformity to the law on that head.

18. That in future no ignominious fine (commonly called amende qualifiée) be inflicted, but for crimes and very high miſdemours, and that the ſum of all fines be fixed at the time when ſentence is paſſed, and in the preſence of the parties.

19. That the orders of the royal commiſſioners be re- viſed, amended, and ſuch corrections made as may render them intelligible to every body, and prevent any undue and partial explanation thereof.

20. That after the expiration of forty years no junior be allowed to claim of his ſenior a new diviſion of eſtate; and that no guarantee ſhall extend beyond that term.

21. That as it appears to be the intention of the royal commiſſioners, the price of the rents due to your majeſty be duly taxed, and not left to the option of the receiver, your majeſty's income being by far more than ſufficient to diſcharge the ſum which the receiver pays the governor in chief, without ſetting the rents at the exorbitant price which they have borne for many years, and which has greatly contributed to raiſe the price of bread.

22. That all ordinances and deciſions of the ſtates be regiſtered and enrolled, and that no one be reſuſed an act of what has been put to the opinion of the members of the royal court.

23. That no one dare to prevent the clerk or the regiſter from admitting any one to inſpect the books of record, on proper application, and on paying the fees according to the intention of the royal commiſſioners.

24. That in collateral ſucceſſions the lords of manors be obliged to name an arbitrator, and the tenants another, and that theſe two arbitrators ſo named, be allowed to call a third, and theſe three do decide the clear income of ſuch ſucceſſion, the value of which ſhall be paid to the lords of manors, which will prevent many great abuſes.

24. That

25. That there be a book of the land measurement of each parish made out at the parish expence, and lodged in the respective constable's possession, that the royal, clerical, and common tythes may be clearly distinguished.

26. That no member or officer of the court be appointed receiver, or become under-farmer of your royal revenue.

27. That no person, on any plea or consideration whatsoever, be exempted from performing any service due to your majesty, or any lord of manor, as such exemption falls very heavy on the poorer tenants.

We beseech your majesty to order the bailly, or his lieutenant, to attend once a week to pass contracts, &c. (as the predecessor of the present lieutenant-bailly voluntarily did) that the people may not lose their time in going to town for three or four successive weeks, without being able to do their business.

That all laws and political ordinances be collected in a proper book, of which every constable shall have a copy drawn, which on his discharge shall be delivered to his successor, that the people may not every instant be subject to fines, for unknowingly contravening old laws and ordinances, which are renewed every session, in general terms, without any distinction, and that all local laws and ordinances be in future made by the states alone.

And lastly, as direct contradictions abound in the laws, practice, ordinances, and precedents, the multitude of which creates many doubts, differences, and troubles, it is highly expedient to have a code of laws, we humbly beseech your majesty to grant us in this respect the same favour as the late queen Elizabeth, of glorious memory, conferred on the inhabitants of the island of Guernsey.

That Almighty God may pour his choicest blessings on your sacred majesty, and on your august family, and that your posterity may fill the throne of these realms, until time shall be no more, is the fervent prayer of your ancient and ever loyal subjects of the island of Jersey, who are every one ready, by imitating the example of their ancestors, to sacrifice their lives and fortunes in support of a government, under which they have for many ages enjoyed the paternal protection of your royal predecessors; they humbly

implore you, Sire, to grant them the continuation of your's, and to be persuaded that they are incapable of offending your Majesty in word, thought, or deed.

And your petitioners, as in duty bound, will never cease to pray, &c.

Number 2.

(C O P Y)

In the matter of Nicholas Fiott of Jersey.

JAMES FORRESTER, Esq; late commander in chief of his Majesty's island of Jersey, maketh oath, that this deponent, soon after his arrival in Jersey, in the year one thousand and seven hundred and fifty-eight, having received repeated informations of many and great abuses in the treatment of the prisoners of war, confined in the said island, not only with regard to their provisions, straw, and other necessaries, but of most outrageous maltreatment of their persons, committed by the persons acting under Philip Lempriere, Esq; attorney-general of the said island, and agent for said prisoners; and finding, that after remonstrances made by this deponent, in relation thereto, to the family of the said agent, who was then in England, that the same complaints still subsisted, and were renewed; this deponent desired lieutenant-colonel Adey, major Napier, with several friends of the said agent, and who had a personal regard for him, to accompany him, this deponent, to the French prison, in order to discover with what reason such grievous complaints were made; and upon this deponent's inspection of the said prison, things appearing so contrary to the commands of christianity, humanity, and the honour of the nation, that this deponent thought it incumbent upon him to have the same redressed, and had most solemn assurances from the mother of the said attorney-general, and other of his friends, that they should be so. — Notwithstanding which, the said maltreatment was so far from being amended that it was increased; whereupon this deponent went

went again with the lieutenant bailly, and three jurats, to the prison, to make further enquiry into the said matters, and finding the said information fully proved, this deponent, the next day, when there was an assembly of the states, applied thereto, and particularly to the said lieutenant bailly, and the three jurats, who had been with this deponent on the preceding day to the said prison, who were then present, and requested that the requisite number of magistrates for passing affidavits, would be so good as to receive, upon oath, those complaints which the prisoners had made the day before, in order to transmit the same to the commissioners of war; whereupon one of the agent deputies, objected to any questions being asked the said prisoners, by any person whomsoever, and insisted, that none of them should be brought from prison to declare what treatment they had met with, and that no persons whatever should be admitted to hear their complaints, as he declared, that he had particular and positive orders from the said agent to act as he did, and that his treatment had, upon all occasions, been exactly conformable to the peremptory orders of the said agent --- Whereupon this deponent applied to Mr. Peter Mauger, then deputy attorney-general, for his opinion, whether such an order could be lawfully given or obeyed, and called on him in his majesty's name, to point out some method by which the allegations of the prisoners might be ascertained, to which he answered, that it was his opinion, that the court could in no manner interfere in that affair, and, as attorney for the agent, which he then declared himself to be, he must object to any means whatsoever being used to hear or verify the said complaints, and that he had received positive orders from the agent so to do. — Whereupon this deponent finding the jurats refused to intermeddle in the said affair, declared, that he did not mean to bring the affair before the states, or the court, but only desired that some affidavits might be taken before the number of jurats requisite by the laws of Jersey; and entreated them to consider, that he, as commander in chief, could not obtain from them such affidavits as he apprehended every subject had a right to claim; and although one of the jarats interposed, and supported this deponent's request, yet it had no effect on the lieutenant-bailly and the other jurats: and after this depo-

nent had stated the affair in various ways, to shew the right he had to call for the assistance of the magistrates on this occasion; and finding all his endeavours fruitless, he desired that he might, at least, have the affidavits of some gentlemen to testify, that he had been deprived of all means of getting those of the prisoners; and even this met with such demur, that this deponent thought it his duty to say, that such proceedings would lay him under a necessity, of quitting and dissolving the states, and sending his reasons, for so doing, before his majesty in council; whereupon they, at length, granted this last request. And this deponent saith, he well knows, Mr. Nicholas Fiott, merchant, in the said island, and ever esteemed him as a very worthy honest man, and who, during the time this deponent had the honour of commanding in the said island, ever behaved well; and this deponent believes, the lieutenant-bailly, the attorney-general, his brother, and many more of their family, had great resentment against the said Nicholas Fiott, for his disinterested, and humane conduct, in endeavouring the redress of the grievances the French prisoners at that time laboured under, which he thought himself obliged to do, not only from humanity, but from the office of centener, which he then held, in the parish where the said prisoners were kept; and this deponent saith, that he is at present in a very ill state of health, and is ordered by his physician to go to Bristol, as soon as possible, for the recovery thereof.

Signed, *James Farquhar*
 Sworn this 4th day of April 1764,
 at the public office before me, *J. Harris*.

~~to go to Bristol, as soon as possible, for the recovery thereof.~~
~~me, and would not take it in hand. The day being~~
~~find an advocate to plead my cause; but they all refused~~
~~to, I did what was in my power, I did what was in my power,~~

Number 3. I went to court my commission

I Clement Meshervey, do hereby certify, that the 17th day of december 1757. I received a summons by means of one of the denunciators of the court of Jersey, to appear before the said court, in eight days, against the person acting as king's procureur in the said island, for having presumed to ship or engaged people to serve in the privateer, which I commanded (without having previously

acquainted the chief magistrate therewith) and for having contrary to orders, exported provisions of the produce of the island.

That immediately after I waited upon the lieutenant-bailly and told him, that if I had been guilty of any fault, it was unknowingly. That I begged he would call the court together at my own expence, because the winds being fair, and the tides serving, I had formed the resolution of intercepting a French Guardécote of 80 guns, which protected the trade of Granville, and often gave chase to the small privateers of this island. That he used to come out in the night, when the tide served him, and that it was very easy the following nights, to cut him from the land and take him. The lieutenant-bailly answered, that if I would go myself, and acquaint from him, the gentlemen of the court, he would do it the Tuesday following. In consequence of which I went and acquainted those gentlemen therewith, who all promised (except one) to be there. That the Tuesday they accordingly all came upon the parade; but the court did not sit, and they all returned home without meeting; upon which I went to the perion, acting as king's procureur, to shew him my commission, (which directs all officers, civil and military to be aiding and assisting) but he would not see nor look at it. Not knowing what to do, and being prevented from acting against the enemies of his majesty. I went to the commander in chief and shewed him my commission; he read it, and said, he was surprised, and did not know the reason, why I was stopped, that I had always behaved well, and that I had done my duty towards him. From that day to the Saturday following, I did what was in my power, to find an advocate to plead my cause; but they all refused me, and would not take it in hand. The day being come, I went to court, and presented my commission which was refused, and when I attempted to speak (for want of an advocate) I was ordered silence. Therefore they proceeded, and passed sentence against me, without hearing what I had to say (intending to lay matters of fact before them, in the best manner I was able; the whole body of advocates, having absolutely refused pleading for me, or giving me any advice) The sentence was made in two sepearte instances; in one, I was condemned

demned in a fine of 200 livres, according to order. One half to go towards repairing the court-house, and the other half to the fortifications of the island. And in the other, I was condemned in 300 livres fine to be applied as above. So that I found myself, accused, condemned, and punished, without having been allowed to open my mouth in my vindication; which fines have since been rigorously levied, in my absence, and paid by my wife (to Mr. Charles Marret then denunciator) who was obliged to borrow the money of Mr. Blerade Janvrin, to pay the said fines, to the great distress of myself and family. To the truth of the contents of this certificate I am ready to make oath. In witness whereof I have hereunto set my hand, this 21st. day of march 1770, in presence of the notary and witnesses hereunto subscribed.

Signed *Clement Messervey*,
James Hemery, Not. Pub.
 Testes *Cha. Le Maitre*,
John Huel.

Before me *James Hemery*, notary public, by royal authority, duly admitted and sworn, dwelling in the island of Jersey, personally appeared, Mr. *Clement Messervey*, who has signed, the certificate hereunto annexed, and further declared he was ready to make oath to the truth of its contents, whenever required. In witness whereof I have hereunto set my hand this 21st day of march 1770.

Signed *Clement Messervey*,
In præmissorum § THE § *fidem*
James Hemery, § SEAL. § Not. Pub.

Number 4.

I *Nicholas Mallet* do hereby certify, that on the 29th. day of may 1762, the deputy viscount came to me and desired I would go and speak to the lieutenant-bailly at his chamber, which I instantly did, and found there the

the jurats of the court, the deputy-governor, and the king's procureur; but no advocates. When, to my great surprise, I was there accused (of having said disrespectful things of the governor) by Mr. John Le Gros, who I found there with those gentlemen, and with whom I had had an altercation some days before, concerning letters brought by a flag of truce from France. Then the king's procureur told the said Le Gros to read his charge against me, which he did, and accused me of having insulted him, and, in his person, the authority of the governor; which I denied, and demanded to vindicate myself, by the several gentlemen present, when we had our altercation, being summoned to appear as witnesses in my vindication, and demanded it several times; but no notice was taken of my just demands; and, without allowing me to produce a single witness, I was ordered to goal. Finding myself in this dilemma, as I was to sail the next day for Martinico, I demanded to be admitted to bail; upon which the king's procureur said, that for an affair of such a nature, he was of opinion no bail could be allowed me. Finding myself in this unexpected situation, I was a good deal confused; and one of the jurats coming past me, told me, I had better submit to the mercy of the court, as by it I would preserve my liberty and proceed on my voyage, which thinking he meant me well, I did; upon which, the king's procureur said, we must now go to the court-house to pass sentence. I went along with them, and as soon as we came in, they again put the question to me, if I submitted myself to the mercy of the court. Thinking the jurat that advised me, was my friend, and as he had further told me, it would be attended with no other consequence, than making an apology; I said, that I submitted. Upon which the procureur demanded that I should be fined 200 livres, according to order, half for the king, and half towards building the court-house; and give security for my good behaviour, which, to my great surprise, was accordingly done; and by that means, I found myself accused, condemned, and punished, without having been permitted to justify myself by calling many witnesses, which I had, to produce in my vindication; besides the plea of an unblemished character. And have in consequence (to the distress of myself and family) paid it to the
 kings

king's receiver. To the truth of the contents of this certificate I am ready to make oath, as witness my hand this 19th day of march 1770.

Signed *Nicholas Mallet, jun.*

Witnesses *Cha. Le Maître,*

David Patriarche,

In præmissorum fidem

James Hemery, Not. Pub. SEALS

Number 5.

AUX plaids de la cour du fief seigneurie du petit Roselle 1754, 15, du Mars, sur l' action qui est faite a Jean Le Riche fils vincent par Michael Lempriere Ecur; seigneur du fief et seigneurie du petite Roselle pour soubir amende pour avoir charié partie de ses labours des terres qu' il possede sur le dit fief et seigneurie, pour les ans 1749, 1750, 1751 sans en avoir delivré le compart, et en outre recompenser le dit seigneur suivant aux ordres, suivant les premisses. Apres avoir entendu les parties en tous leurs raisons, et consideré l' usage du fief, et autres pieces qui ont été produites par le dit seigneur, le dit Jean Le Riche est condamné a l' amende, et a recompenser le dit seigneur suivant aux ordres. *sant au dit Le Riche a montre titre d' affranchissement.*

Signed *Thomas, Le Maître, Greffier*

de la cour du fief et seigneurie du petit Roselle.

Number 6.

At the states of the island of Jersey, held at Elizabeth Castle, 6th. October 1769.

THE states this day assembled, to deliberate on the shocking situation of the public affairs, occasioned by the rising of the people, September 28th, and also upon the acts that the royal court was obliged to pass, that day, in consequence of the threats and violent proceedings of the people; and the danger to which the persons of the governor, magistrates and officers of the court were exposed; and upon the terrible consequences that might follow such irregularities, and the licentious behaviour that reigns at present in the island, the court not

find-

finding itself in a state to continue to exercise its functions, have found that it was expedient to take the most efficacious and early measures to establish the public tranquillity and order, interrupted in this manner; to which end to address the king in council, and for which purpose the lieutenant-bailly, John Le Hardy and Joshua Pipon esqrs; are named and requested by the states, with Philip Lempriere, esq; attorney-general, who has offered his good offices, and to attend them in England.

Number 7.

Copy of lord Weymouth's letter.

St. James's, Oct. 24, 1769.

SIR,

I Laid before the king your letter of the 9th, inclosing the acts extorted; and one from the lieutenant-governor of the same date. His majesty expressed great concern at the riotous and outrageous proceedings of the mob, upon this occasion; and gave orders to take the most speedy and effectual methods of applying a proper remedy for evils of so dangerous a tendency by giving immediate protection to the magistrates of Jersey, and restoring them to the quiet and secure discharge of the duties of their office, which these audacious rioters have obliged them to suspend, by annulling those acts, which are an insult upon his royal authority. And, by a very strict enquiry into the rise and progress of those violent attacks upon legal government, that the offenders may be brought to condign punishment. In order to attain these salutary ends, I am commanded to signify to you his majesty's pleasure, that you do forthwith repair to the island of Jersey to resume the functions of your office, under that military protection which his majesty has thought proper to grant for that purpose, at your request; and that of

* That assertion was then proved to be a falsehood; for the court had met on the Saturday subsequent to the riot, without disturbance, and would have proceeded to business had not the lieutenant-bailly kept himself from attending it; for, as he was convinced he would have been unmolested, that event would have obviated the pretext of fear and of going to England.

the lieutenant-governor, you will find, in consequence of your joint application, five companies of the royals, ordered to embark at Portsmouth. This reinforcement will, under the command of lieutenant-governor Ball, be disposed of in such a manner as you, consulting with him, shall think most advisable, and be employed as you shall find necessary, for restoring proper respect to magistracy, and due obedience to the laws; and whereas the whole state of this matter has been by me transmitted to the council-office to be laid before the king, that you may have his majesty's order in council relative to the illegal acts which have been passed. You will take the proper methods of making such declaration as his majesty, with his privy-council shall make with regard to the annulling and erasing those acts; and you will then immediately proceed to an enquiry into the authors of those disturbances, and the grounds upon which they have dared to proceed to those illegal extremities; declaring, at the same time, your readiness to receive and transmit to me for his majesty's information, all petitions and complaints, with regard to supposed grievances, which are properly and legally presented; and his majesty trusts that, by your activity in the discovery of the real offenders, and your humanity and attention to the deluded and ignorant, whose complaints are to be heard; if decently presented, you will soon restore tranquility and good order, and find it unnecessary to detain the detachment, which the lieutenant-governor will order back when you think the purposes for which they are sent is obtained.

I must at the same time, in justice to the zeal which both you and the lieutenant-governor have shewn upon this occasion, acquaint you that his majesty is satisfied that you have both acted with attention to the real interest of the people and that you have shewn a readiness to receive and transmit to me, for his majesty's information, any representation which they could produce in a proper manner with regard to the grievances or hardships of which they complain. I shall, therefore, conclude by recommending to you a continuation of the same conduct.

I am, &c.

WEYMOUTH.

Numb.

Number 8.

Act 1770, Refusing Petitions.

*Aux Etats de l'Isle de Jersey.**Monsieur le Lieutenant-Gouverneur present.*

L'AN mille sept cents septante, le trente unieme jour du mois de Janvier, les etats s'étant assembles le 17^{me} jour de ce mois et ayant remis à deliberer à aujourd'hui, sur plusieurs petitions qui furent offertes ledit jour par monf. le lieutenant-gouverneur à la requête de plusieurs des habitants des paroisses de St. Ouen, St. Laurens, Grouville & la Trinité (sur leurs allegations qui les connétables des dites paroisses avoient refusé de les presenter) par le connétable de St. Hellier, pour sa paroisse, par les recteurs de Ste. Marie & St. Pierre, pour plusieurs de leurs dites paroisses, et par le connétable de St. Jean pour plusieurs de la dite paroisse. Et sur le requêtes adressées aux etats & présentées par les connétables de St. Brelade, St. Sauveur, St. Clement, St. Martin, de la dite paroisse de Grouville & de la dite paroisse de Ste. Marie pour leurs dites paroisses; et sur les rapports des connétables de St. Laurens, St. Ouen, la Trinité, St. Pierre, & St. Jean, de la maniere dont ils ont procedé en vertu de la direction donné par l'etat à tous les connétables le 24^{me} jour de Novembre dernier de consulter leurs paroissiens, afin de faire rapport aux etats de leur disposition, de requierir que l'etat s'adresse à sa majesté en conseil de permettre (non-obstant l'ordonnance des commissaires royaux) que la cour puisse faire un rabais du prix du marché-lors qu'il excéderoit durant le cours de l'année trente-deux sols le cabot, quel rabais ne pourroit excéder trois sols par cabot, & de déclarer à leurs dits paroissiens, que s'ils avoient quelque proposition à faire pour l'avancement de l'interest public en general et le soulagement du peuple, les etats estoient disposés à prendre leurs requêtes en consideration. Aujourd'hui ayant paru aux etats, que les dites petitions presentées par ledit Sieur Gouverneur par les dits recteurs de St. Pierre & de Ste. Marie, et par les dits connétables de St. Hellier & St. Jean, pour ceux des habitants des dites paroisses de St. Ouen, St. Laurens, Grouville, la Trinité,

nité, & St. Jean qui les ont signées, les états considérant que les dites pétitions ne leurs sont point adressées, ni soumises à leur considération mais immédiatement à sa majesté, ont crû ne pouvoir les transmettre comme il est requis sur les dops d'icelles, et à l'égard des autres requêtes adressées aux états & des rapports d'icelles, il a été ordonné qu'elles demeureront logées au Greffe pour être prises en considération.

Signed *Po. De Carleci*, Greffier.

Edward Partridge, Charles Pazo, James de

Guilleville, and Abraham Alexander of Jersey, who did

deceive and say (before me) with the said Mi-

cholas Pion, that on the nineteenth day of January, one

Copy of a part of a Standing Order of Council, 25th of

March 1729.

HIS majesty this day took the said report into consideration, and was pleased, with the advice of his privy-council, to approve thereof; and to order, as it is hereby ordered, that the sentence passed, in the royal court of Jersey, on the 20th of April 1727, be reversed; and that the said royal court do proceed to a new trial of this cause, and examine the witnesses on both sides, in court, viva voce; and do give liberty to each party to cross-examine such witnesses, and do reduce their evidence into writing, after they shall have been respectively examined; and that the said court do, within three months time, proceed in a legal manner to hear and to determine the cause, and give judgment therein, according to law, and allow liberty to either party, who shall demand the same to appeal therefrom: and that whatever resolutions the court shall come to, during the course of such new trial, they do enter up by way of order, as desired, or insisted upon by either party, so as to appear upon the acts of the said court; and that this be a general standing order to be observed, not only in this cause but in all causes for the future, and the bailly and jurats of his majesty's said royal court of Jersey, and all others whom it may concern, are to pay a strict regard to his majesty's pleasure hereby signified, and not to presume in any case whatever, to deviate therefrom.

Number 10.

(C O P Y)

BE it known unto all people whom it may concern, that on the day of one thousand seven hundred and sixty-two, before me, Thomas James Gruchy, junior notary publick, by lawful authority admitted and sworn, dwelling in the island of Jersey, personally appeared Mr. Nicholas Fiott, of Jersey, Merchant, and messieurs Edward Patriarche, Charles Payn, Elias de Quiterville, and Abraham Malzard of Jersey, who did declare and say (before me said notary) with the said Nicholas Fiott, that on the sixteenth day of January, one thousand seven hundred and sixty-two, he was at court, and went near the table of the clerk of the said court, and said that he heard that there was an act making for the sale of the Charming Nancy privateer; to which Philip Lempriere, esq; kings procureur, answered, yes; and that she is to be sold Friday next; to which he answered him, how can you demand a sale of said ship, which he had built himself? and who was it that put him in possession of said ship, and that he had never given him the possession, and that he had no other possession than that, that he had taken of himself; and said to the court, why, gentlemen, shall it be by the caprice of Mr. Lempriere that he should be put out of the ship; and also said to the lieutenant-bailly that he should not have thought, according to the conversation they had in the morning together, that he would have suffered such a thing; to which he answered him, that he had declared that there was one of the society asked him to write in Guernsey and England; but that the king's attorney insisted upon her being sold Friday next. To which the said Fiott answered, How, Gentlemen, is it that such a ship as that is to be sold in four or five days, supposing even he had power to do it, which he did not think was in his power to do; and finally, after having long argued on both sides the court asked him, whether he would consent to the sale, and that it should be put off till the Monday following, instead of Friday. He answered no; that he would not consent to it, and that it was not doing of him justice. But that, if they found it proper to allow

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him

him fifteen days, that he would consent. It was then asked the kings attorney to consent to it; but he answered no; and that being he would not consent to the sale for Monday, he insisted upon her being sold a Friday; and the court agreed to it. Upon which he declared, that he did protest against such an act, and demanded an appeal before his most excellent majesty and council; and it was refused him: upon which he declared, that he would carry it by doléance, and asked, that it should be entered in the said act, but the court refused him, upon which he took the above witnesses. All which things were declared, as they are herein set forth, in the presence of the said notary; therefore, I have hereto subscribed my name (together with the said Fiott and witnesses) and affixed my notarial seal, in the island of Jersey (where no stamp paper is used) the day and year first above-written, being requested to testify and certify the premisses.

Signed *Ch. Pryn.*

Morab. Maltard.

Number 12.

(C O p Y.)

ON the third day of February, in the year of our Lord one thousand seven hundred and sixty-two, before me, John Vibert, notary publick, by lawful authority duly admitted and sworn, dwelling in the island of Jersey, and in presence of the witnesses hereunder subscribed, personally appeared messieurs John Le Gros, Edward Snowe, John Kerbey and Nicholas Le Queine, all of the island of Jersey, who did declare for truth, that on Friday the twenty second day of January last past, being then at the town, called Saint Aubin, in this island, at the sale of the ship, or vessel, called the Charming Nancy privateer, late commanded by captain William Snow. Mr. Nicholas Fiott of this island, merchant, one of the owners of the said vessel, as representing one sixth part thereof, not willing and opposing to sell his interest in her, came at the sale and opposed himself to the selling his said interest in the said ship; but was refused by the other

other owners to keep his share or interest in her, to which the said Nicholas Fiott said to the owners, that they had as much right to sell his house or estate as his property in the said vessel, and still declared, that he opposed the sale of his said interest, and protested against such a sale; but the officer was ordered by the other owners to go on with the sale, and accordingly the said ship, or vessel, was sold entirely to Thomas Pipon, esq; one of the owners of her. That, immediately after the sale, the said Nicholas Fiott applied to the said officer to give him a record under his hand, as he had so opposed the sale of his said interest in the said vessel, upon which Philip Lempriere, esq; one of the owners, being then present, said to the officer, that he could not give such a record, as there was an act of the royal court, ordering the sale of the said vessel. To which the said Nicholas Fiott answered, he knew that there was an act of the court, and did only oppose the sale of his share in the said ship; but not those of the other owners; and that it was no reason to hinder the officer to give him a record of his said opposition: at which the said Philip Lempriere replied, that besides the act, the court was even then present at the said sale. Therefore, he, the said Nicholas Fiott, was still refused of having such a record from the said officer. In witness whereof the said appearers have hereunto set their hands and seals, the day and year above written, in the island of Jersey, aforesaid, (where no stamp paper is used,) in presence of the under-signed witnesses.

Signed, *John Le Gros*, J.S.
Edward Smith, J.S.
John Kerby, J.S.
Nicholas Le Duane, J.S.

Witnesses, *Josua Gabouriel*,
Pr. Le Grenier.

Number 12.

WE subscribed commissioned officers in his majesty's navy and army, residing in this island of Jersey, and others, inhabitants of the same, do hereby certify, that we have never heard, nor seen, that Mr. Nicholas Fiott, or his adherents, have caused, or even attempted to cause, any riot, or mutiny, in this island. That on the 24th day of April last, when, by order of his majesty,

as was publickly known, he was released from confinement, the company of militia, whereof he is captain, composed of two serjeants and about forty private men, assembled with their arms together on the sands near the said Fiott's house, at the usual place of exercise, where they only discharged their arms, and never made any bonfires. And that they, nor any others, did not make the least attempt of riot, or mutiny. Witness our hands this 15th day of November, 1764.

W. Brown, capt. in the 72d. regt. of invalids.
Rich. Carter, capt. in the navy.
Alex. Hogg, fort major.
J. Carter, lt. of the navy.
Geo. Burrard, lt. 74th. regt. of invalids.
M. Du Pre, lt. of the navy.
John Luce, lt. of the navy.
Peter Patriarche,
Geo. Rowcliffe,
David Patriarche,
Ch. Le Marinel.

I do hereby certify, that in last April, I commanded in chief in his majesty's island of Jersey, and that on the 24th day of the said month, it was publickly known there, that Mr. Nicholas Fiott was released from confinement, when the company of militia, whereof he was capt. assembled with their arms on the sands near his house, at their usual place of exercising, where they only discharged their arms, and never made any bonfires, nor did they, or any others, make the least attempt of riot or mutiny; and that, to my knowledge, the said Mr. Fiott never caused, or even attempted to cause, any riot or mutiny in the said island, while I had the honour to command there; and this I give under my hand, at Plymouth this 18th day of Feb. 1765.

J. Graham.

Payne, a counsel standing at the bar, who acted for the said attorney, after the said lieutenant-bailly had pronounced the sentence, demanded an appeal therefrom, to his most excellent majesty in council, in behalf of the attorneys of the said Mr. Philip Peter De Gruchy; the court also refused it, and some of the jurats told him he

Num.

Number 13.

(C O P Y)

Island of Jersey.

Before his excellency Col. John Campbell, commander in chief of his majesty's island of Jersey, and of all the garrisons, forts and forces in the same, &c.

PERSONALLY appeared John Heier Dumarequegent and Philip Laurens, inhabitants of this island, who made oath that they, together with John Fiott, attorney jointly with the said Dumareque attorney to Mr. Ph. Pr. De Gruchy of London, and James Fiott, attorney to Mr. Nicholas Fiott, of this island, now absent, went on the 18th day of Jan^y last, to the place where Charles Lempriere, esq^r, lieutenant-bailly and five jurats of the royal court of this island were, in the publick usual manner, passing and authenticating deeds of sales and contracts between parties, and these offered, according to custom, to confirm, ratify, and corroborate a certain deed of sale of some tenements, &c. situated in this island, sold and conveyed, by the said Mr. Nicholas Fiott to the said Mr. Ph. Peter De Gruchy, in London, the 31st day of October 1765, before Abra. Oster, notary publick. That the said lieutenant-bailly, after having examined the said deed of sale, deferred the corroboration thereof, and appointed the deponents, and the attorneys aforesaid, to be at a certain place the 25th of the same month, for that purpose. That before they went to the said appointed place a message came from the said lieutenant-bailly to the deponents, and others, as aforesaid, that they might apply to the court on the 27th of the same month. That they accordingly attended in court, and there again offered to corroborate the said deed of sale, and the court refused it. That Mr. Edward Payne, a counsel standing at the bar, who acted for the said attorneys, after the said lieutenant-bailly had pronounced the sentence, demanded an appeal therefrom, to his most excellent majesty in council, in behalf of the attorneys of the said Mr. Philip Peter De Gruchy; the court also refused it, and some of the jurats told him he had better sit down and say nothing.

These deponents further maketh oath, that, after repeated applications to John Le Hardy, esq. judge de'legue (the lieutenant-bailly being absent) to swear them to the truth of the above affidavit, by his directions, they applied on the 12th day of July last, to the aforesaid royal court, then sitting, and there again prayed to be sworn to the truth thereof, and to have it authenticated accordingly; and the said court refused it. That there is no persons in the island (as they know of) that have the power of administering an oath, in any civil cause, except those of the said court, who have refused them; and finding themselves destitute of means whereby to make authentically appear the above recited transactions, in the usual manner, have prayed the aforesaid commander in chief to take this their affidavit.

Which declaration, being thus made upon oath by the said John Heier Dumaresque, gentleman, and Philip Laurens, the said commander in chief have hereunto set my hand and seal this 6th day of September 1766

to the royal court of this island a remembrance against
 (C O P Y) Mr. Peter Manger, for the reasons therein
 set forth, he might be sent to the office of King's
 Island of Jersey.

Before his excellency Col. John Campbell, commander in
 chief of his majesty's Island of Jersey, and of all the
 garrisons, forts and forces in the same.

PERSONALLY appeared Philip Laurens of this
 island, who made oath, that by virtue of a sale and
 transfer to him lawfully made, in London, the eighth day
 of July 1765, by Mr. Nicholas Fiott, amongst other
 things, of all and singular the debts to him due in this
 island, he had served an action to one James Gebert,
 also of this island, one of the said Mr. Nicholas Fiott's
 debtors to pay him the sum he owed. That the cause
 came on to be heard before the royal court of this island,
 on the fourteenth day of June last, when the said debtor
 contumaciously absented, and upon a motion of the court
 to examine the date of the said transfer, the said Philip
 Laurens, counsel, produced an act, or order of the court,
 which had been obtained in the said Mr. Nicholas Fiott's
 own name, since the said transfer was made, notwithstanding
 which the court gave sentence, that they would
 not admit of any transfer from the said Mr. Nicholas

Fiott,

Flott, whereupon the said counsel demanded that, in pursuance of his majesty's orders of council, an act, or order, should be made of that sentence, and the court refused it, which declaration &c.

~~court then sitting, and there again prayed to be sworn~~

~~to the truth thereof, and to have it authenticated accordingly; and the said~~ *Number 14.*

~~persons in the island (C O P Y) that have the power of administering an oath, in any civil cause, except~~

~~those of the said~~ *Island of Jersey.*

~~finding themselves destitute of means whereby to make~~ *Before the honourable Rudolph Bentinck (by a special commission from his majesty) commander in chief and lieutenant-governor of the island of Jersey.*

PERSONALLY appeared Philip Laurens, Inhabitant of this island, attorney to Mr. Nicholas Fiott, senior, since the year 1762, who made oath, that the said Fiott did, on the 18th day of February 1764, present

to the royal court of this island a remonstrance against Mr. Peter Mauger, (praying, that, for the reasons therein set forth, he might not be admitted to the office of king's deputy procureur-general; wherefrom ensued a cross action, between the said Fiott and Mauger, which being brought before the said court, on the 24th of Feb. 1764, was deferred, without day; and being brought on again the 10th of January 1765 was deferred as before.

That on the 22 day of November 1765, when the said Fiott (who has not returned since) had been absent from this island above five months, a summons was served, at his dwelling house, to appear at court the next day, to answer to the said action. That this deponent, as attorney to the said Fiott, did engage and fee an advocate or counsellor to defend the action, in behalf of the said Fiott.

That this deponent did appear at court the next day, when, the cause being called, the said advocate pleaded, that it could not then come on, because of said Fiott's absence from this island. That, notwithstanding the aforesaid objection, the court ordered the officer to signify and leave a copy of said Mauger's reply to the abovementioned remonstrance at the late dwelling house of the said Fiott, vordering him to answer peremptorily in January term next ensuing. That, in the course of the said

month of January, several motions were made in court for bringing on the said cause, ratione of which said motions, on the 23d of the then instant January, this deponent offered, by means of his advocate, to contest the said motion, which it was resolved, that he was (not an admissible party) and that none but the said Fiott could be admitted, and a day was appointed for the 27th then instant, for hearing the matter; on which day the cause (notwithstanding the aforesaid offer to contest) was called, when the court condemned the said Fiott to a fine of one hundred livres, or money, and to pay the said Mauger five hundred pounds sterling damages; for which sum the said Mauger has since obtained an order, in writ, on pain of bodily imprisonment.

This deponent further maketh oath, that soon after the determination of the court, a grievous and frivolous suit was commenced against the said Fiott, whereupon Nicholas and Ann Fiott, children of the said Fiott, preferred a petition to colonel John Campbel, then commander in chief in this island, setting forth, amongst other things, that the royal court, having giving sentence against their father, without admitting this deponent, as his attorney, to prosecute or contest any demands at law in civil wife; they had great reason to apprehend, that by such a sentence, their father's estate might soon become a prey to evil minded persons, to the ruin of all the prisoners, as well as the rest of the said Fiott's children, who were then all minors; praying, therefore, the said Colonel Campbel to grant them his assistance, and that he would beseech, in their behalf, the Earl of Albemarle, governor of this island, to grant them his protection, that thereby a stop might be put to proceedings, which they humbly conceived would appear to his lordship oppressive and ruinous to their parent, as well as to themselves, so far as might be consistent with reason and equity. Since which time the grievous and frivolous suit so commenced has been deserted, and the sentence given in favour of Mr. Mauger, remains without execution. And this deponent further maketh oath, that, after application made to Charles Lempriere, esq; Lieutenant-bailly to swear him to the truth of the above affidavit, by his directions, he hath made repeated applications to the royal

royal court, then sitting, and prayed to be sworn as
afore said; and on the thirtieth day of June last, the said
royal court, was pleased to refuse it. That there is no person in this island (that he know-
eth of) that hath the power of administering an oath by a
lay or civil officer, except those of the said court, who have
refused him. And that, finding himself destitute of
means, whereby to make authentically appear the above
recited transactions, in the usual manner, he hath prayed
the afore said commander in chief to take this his affidavit.
Which declaration, being thus made, upon oath by
the said Philip Laurens, he have hereunto set my hand,
this thirteenth day of July 1770.

Rudolph Bontinck, no-
ment. *Commander in chief, by a special commission.*
The determination of the court, a grievous and livelious
suit was commenced against the said Fiott, whereupon
Nicholas and Ann Fiott, Number 15
Island of Jersey.
Before the honourable *Rudolph Bontinck* (by a special com-
mission from his majesty) commander in chief and lieut-
enant-governor of the island of Jersey, &c.

PERSONALLY appeared Philip Laurens, Inha-
bitant of this island, who made oath, that in the
year 1764, Mr. Nicholas Fiott brought an action against
Charles Lempriere, esq; and Mrs. Elizabeth Corbet,
his wife, for them to be rectified an error in the Tub of
rent, contained in the purchase deed of an estate, which
the said Fiott had purchased of the said Elizabeth Corbet,
having authority of the said Lempriere, her husband.
That the cause coming on to be heard before the royal
court of this island, on the 13^d day of May 1764, the
court discharged the said Lempriere and Corbet from the
said action, for reason, that the said action referred to the
measure contained in the purchase deed; and that none
being mentioned in it, from which sentence this deponent,
as attorney to the said Fiott (who was then absent from
this island) prayed, and was allowed, an appeal to his
majesty in council; which appeal this deponent was ad-
vised by Mr. John Dumaresque, his council, to desert,
seeing that judgment was given on the error in the action,
and not on the merit of the cause.

That

That the said John Dumaresque has since told this deponent, that the said Fiott, some time after, insisted on his drawing up another action, to be served to the said Lempriere and his wife; whereupon the said Dumaresque replied to the said Fiott, that he must first acquaint the said Lempriere with it; and that in making the said Lempriere acquainted with it, he, the said Lempriere, had told the said Dumaresque, that if that matter was not made up, it was the said Fiott's fault; and that, on his part, he was ready to do it.

That the matter was, notwithstanding all this, left undone; and upon a doleance preferred by the said Fiott to his majesty in council, complaining of the said Lempriere and others, relative to some differences arisen betwixt them, concerning a privateer, wherein they were concerned; the said Fiott obtained an order of his majesty in council, at the producing of which terms of accommodation were proposed to the said Fiott, by the said Lempriere; to which the said Fiott consented, on condition, the said Lempriere would make good to him the error on the rent abovementioned; and the said Lempriere was to make known to the other part owners the conditions of the agreement for the said privateer; in order to give the said Fiott an answer; as the said Fiott sayeth, and this deponent verily believeth.

That this deponent was, some days after, sent by the said Fiott to the said Lempriere, to know what resolution he and the other part owners of the said privateer had come to; and was further charged, by the said Fiott, not to acquiesce to any agreement for the said privateer, unless the said Lempriere gave under his hand, that he would rectify the error on the abovesaid rent.

That this deponent, pursuant to those directions, went to the said Lempriere, and concluding the said verbal agreement for the privateer, this deponent demanded of the said Lempriere, in presence and full hearing of the said Lempriere's wife, and Thomas Papon, gent. to rectify the error on the rent; to which the said Lempriere replied, that it was the said Fiott's fault that it was not done; and that madam de Roselle, (as he called her) his wife, and he had looked out for rents to assign over to the said Fiott. Whereupon it was agreed that Philip Lempriere, esq; brother to the said Lempriere, should pay

pay the sum accruing from the said agreements; and seeing there was no witness present, this deponent did not demand the said Lempriere to oblige himself under his hand to rectify the said error.

That some days after, having effected the agreement relative to the said privateer, this deponent went, by order of the said Fiott, to the said Lempriere, and desired him to appoint a day for rectifying the said errors, pursuant to his promise; at which he answered, that he had found an old authentic list, whereby there appeared no error; and moreover, that the deed was passed, which contained his measure.

That the next court term after, advocate Payne and Dumaresque made a new action, which was served to the said Lempriere and his wife, and, at the appointed time, this deponent went (by the directions of the said Fiott) to advocate Dumaresque, to desire him to put the cause at the table, that it might come on in court, as is usual; which he, the said advocate, refused to do, and held, that advocate Payne had told him, that if he did, a fine would be imposed; but being asked by this deponent, wherefore? he replied, he knew not of any reason why. Whereupon this deponent returned, and told it to the said Fiott, who went himself to the said advocate, and had the action put at the table; and two days before the cause was to come on, the said Fiott set out from this island, and has not returned to it since.

That, on the appointed day, this deponent applied in court to the said advocate Dumaresque, and desired him to bring on the action; to which he replied, that advocate Payne had advised him to the contrary, for fear of a fine, and after some arguments, he absolutely refused doing it. That this deponent, seeing his endeavours useless in that case, he retired, and was afterwards informed, that Philip Lempriere, esq; king's attorney-general in this island, demanded that that cause should be brought on; on which this deponent was sent for to the court, but being not found at home, the said king's attorney demanded *un congé de cour*, a dismiss of the action, which was allowed, as by the act of court appeareth.

This deponent further maketh oath, that the royal court of this island did soon after, and have continued so ever since, refuse to admit any one to represent the said

said Fiott; at law, in any wise, until compelled by an order of his majesty in council, bearing date the 27th April 1770, and consequently it has not been in the power of this deponent, as attorney to the said Fiott, to prosecute the said matter.

That the said error, according to the said Fiott's computation, is four quarters and a half of yearly wheat rent, which the said Fiott deducted from the whole amount of rent he owed to the said Lempriere, and accounted with him for the overplus for the years 1755 to 1759, both inclusive.

That this deponent has always had directions not to pay the said four quarters and a half of rent, which this deponent has complied with, until January 1765, said Fiott having, some time before, sold and conveyed, in London, the said tenement, with others, the said Fiott's estates in this island, to Mr. Philip Peter De Gruchy; the deed whereof being presented to be judicially corroborated, and confirmed as in like cases. The said Lempriere demanded, who was to pay him the arrears of the rent due to him, for which he had nothing to take to if the deed of sale was corroborated; whereupon this deponent, being apprehensive, that the said Lempriere, as chief magistrate, might make it a pretext not to corroborate the deed of sale for non-payment of the said arrears; he told the said Lempriere, he would pay him, which was accordingly effected, for the whole amount of rent, for the years 1760 and 1761, without any deduction.

That at the payment of the said arrears, in presence and full hearing of the said Lempriere's wife, and Mr. Charles Poingdestre, the said Lempriere demanded of this deponent to pay him for the deductions of the four quarters and half of rent, which the said Fiott had made, in accounting with him for the years 1755 to 1759, which this deponent refused to do, the said Lempriere (using many arguments) offered to reduce it to half the amount thereof, which this deponent still refused, and the said Lempriere offered to accept of a lesser proportion, but this deponent totally refusing to pay any thing, in that behalf, the said Lempriere at last accepted of the arrears for 1760 and 1761, as is here above expressed.

Which

Which Declaration, being thus made upon oath, by the said Philip Laurence, I have hereunto set my hand, this seventeenth day of January 1771.

Signed *Rudolph Bentinck,*

Commander in chief, by a special commission.

Number 16.

At the royal court of the island of Jersey, in the year 1770, July 20.

At the request of Mr. Philip Laurence, the greffier of the royal court, is authorized to give him an authentic copy of a certain remonstrance, which had been lodged in the greffe, at his request, the 9th of June preceding.

The tenour of which remonstrance is as follows.

To the lieutenant-bailly and the jurats judges of the royal court of the isle of Jersey.

Philip Laurence, one of the inhabitants of the isle, humbly remonstrating.

THAT on Saturday 26th May 1770, he presented to the court, by the means of his advocate, an order of his most excellent majesty, and the right honorable the lords of the privy council, dated 27th April 1770, obtained in consequence of a doleance presented to his majesty in council, which order was lodged in the greffe.

That your remonstrant, presuming the said order being thus lodged in the greffe, cannot be of sufficient utility to produce its effect, desired his advocate to demand that the said order should be registered; to which his advocate replied, that the entering of the said order was of course to be entered, without the necessity of demanding it; and that your remonstrant applied to the greffier to have an authentic copy.

That your remonstrant contenting himself with the answer of his advocate, hoping it would be as he said, and withdrew; and after the rising of the court he addressed himself to Philip De Carteret, esq; greffier, and demanded an authentic copy of the said order, as soon as he had registered it. He answered your remonstrant, that he had no orders to register it, and consequently he could not comply with his demand.

That

That every order being, (as your remonstrant humbly conceives it) a definitive sentence, confirmed by his most excellent majesty and his right honorable lords of the privy-council, which ought to have the force of law; on that account your remonstrant supplicates you to take the whole into your consideration, and to order that the said order be enregistered, according to the usage practised on the subject of orders coming from his majesty and his privy-council, so that he can derive a full effect to the benefit of your remonstrant, the whole according to what in your good justice shall be found agreeable.

And your remonstrant shall pray &c.

Signed *Philip Laurence*.

Delivered to the court sitting,

31st May 1770

True Copy. *Philip De Carteret*, greffier.

At the royal court of the isle of Jersey.

IN the year 1770 June 9th, Mr. Philip Laurence having presented to the court a remonstrance, requiring, that the greffier be directed to enregister a certain order of his majesty in council, which he presented to the court 26th May 1770, and which was then lodged in the greffe, as it is more at length related in the remonstrance, the court hath not judged it *à propos* to order the enregistering of the said order, because it is not ordered to be done, and it is not of a public nature, nor between party and party, and hath ordered the greffier to give an authentic copy to the said Laurence, declaring they are ready to obey the said order in all its contents.

Philip De Carteret, greffier.

Number 17.

Act of the court.

IN the year 1770 the 13th of August, on the action of the attorney-general against John Robichon, junior, a vintiner, of the parish of St. Martin, seized and brought before the court by the deputy viscount, in virtue of an act of the court, in 1770, the 11th of the present

sent month, to submit to what the court shall think proper to determine of this proposition, seditious and menacing, at the parish assembly, held the ninth of this month, having declared, in speaking of the ordinance, recently made for the high roads, that that could occasion a second revolt; and besides that that order was a bougre of an order. After the avowal of the said Robichon and his submission to the court, the attorney-general, being heard in his conclusions, he was discharged of his place of vintinier and office of the constable, condemned to a fine of two hundred livres, money of order, applicable to the king, the cohue and the general hospital; and to demand pardon of god, the king, monsieur the commander in chief, and the court; which he hath done on the spot, and to give bail of his good and peaceable behaviour, and to be sent to prison on bread and water for fifteen days, the jailer being forbidden to give him any other aliment; in consequence of which he hath produced Mr. John Carter for his bail, which he accordingly remains to be.

Number 18.

IN the year 1770 November 13th, monsieur the commander in chief, Colonel Bentinck, having proposed to the court, a certain prohibition, under his hand and seal of his arms, of a person, named Joseph Bruzaud, an alien, from exercising pharmacy in this isle, in any of its branches and that the said Bruzaud be enjoined to restrain himself to surgery alone, during the time he shall be suffered to remain in the island, on the footing of an alien, without presuming to administer any internal remedies, or to let blood, but in cases of accidents or frights, or when it may be prescribed by those of the profession received to practise pharmacy; and to conform himself to the rules for aliens, on pain of being constrained to leave the country. The court, therefore, at the request of the said commander in chief, and conformable to the conclusions of the king's attorney-general, hath ordered, that the said inhibition be signed by the viscount to the said Bruzaud, with injunction to conform himself thereto, under the pains which are therein denounced; and that a copy of the said inhibition, and

of this act, shall be delivered, by the viscount, the original remaining in the hands of the greffier, to be re-produced : and it is moreover ordered, that the preceding act shall be published and affixed in the ordinary place, to the end that it may be rendered notorious.

Philip De Carteret, greffier.

Number

P A P E R I.

Colonel Bentinck's Reports,

*As drawn by the Writer of this Narrative,
and which the Colonel assured him were never
transmitted to the Secretary of State.*

HIS majesty's subjects of the island of Jersey, having presented their petitions to the king, humbly praying that his majesty will be graciously pleased to establish the several articles and regulations therein mentioned, which they humbly conceive to be the surest and most effectual method of re-establishing on a solid foundation the public tranquility, of restoring a mutual confidence between the magistrates and the people of that island; in obedience to his majesty's commands, signified by Lord Weymouth, one of the principal secretaries of state, as also by three letters, bearing date the 6th and the 20th of June, and the 20th of July, together with the orders in council, bearing date the 15th of June 1770, to which the petition of the inhabitants of Jersey was annexed, and directing me to examine into the matters, contained in the said petitions of the said subjects of Jersey. I have exerted my utmost endeavours to obtain the best information of those matters, and to determine of the truth of them from the facts which have been transacted in the island.

In consequence of this research, I humbly propose it, as my opinion, that altho' the origin of this almost universal aversion, which the inhabitants of Jersey have lately manifested against their magistrates and persons in power, may be traced back to causes more remote; yet that the violence to which it has arrived may be chiefly ascribed to the transactions of the year 1758, when the re-

ceipt of the king's revenue came into the hands of those men who possess the greatest power in the legislative body; and to whom the execution of justice is solely committed in this island. These men, so circumstanced, and connected with the officers of the court, have, at length, assumed a power but little less than despotic. The king's procureur being, till since the tumult of the people, in fact the receiver of the king's revenues; his brother the lieutenant-bailly, one of the farmers under him; and one of the jurats, his brother in law, the ostensible and acting receiver. To this disposition of things, the chief causes of the popular discontent and tumultuary proceedings on the 28th September, 1769 are to be ascribed, and are as follow.

1st, That the farmers of the king's revenue above mentioned, having annually, by means of their farming a very considerable part of the corn of the island in their possession, would not permit the smallest quantity to be sold in the public market, but disposed of it by private contracts to the bakers. The lords of manors and other proprietors of corn followed this precedent, to the considerable augmentation of the prices of grain; so that the poor and industrious, who labour for their sustenance, were necessitated to purchase their daily bread from these monopolising bakers, who were supported in their oppressions by the farmers of the revenue and other venders of grain.

2dly, This disposition of things was productive of another cause of discontent, not less considerable than the preceding, viz. an excessive taxation, arising from the corn-rents; for in this island there are, in reality, but few tenures which can justly be denominated freehold, both lands and houses, in general, are subject to ground-rents, either to lords of manors, or to some other persons. These ground-rents, for the most part, are not paid as in England, in certain fixed sums of money; but in stipulated measures of corn; but as the entire produce of the most plentiful harvest, must prove insufficient to discharge these rents in kind, it has been a rule long established, that in the beginning of August, in every year, the court shall estimate the several prices of corn, during the preceding year, and taking the average price to fix the taxations in money according to that medium. Hence it is evident, that the price of corn being artificially kept

kept up by the preceding means, the average price must be the greater; and all those who commute for their corn-rents in money be oppressed by this spurious and oppressive method of enhancing the price of corn, during the antecedent year; that this is not an imaginary cause of complaint will be evinced by the annexed certificate taken, on oath, No. 1.

3dly, That these farmers, having indulged divers members of the state, and other persons, with participating in the farm of the royal revenues, have connected the interest of these men with their own; and, thereby have acquired an arbitrary power and an almost irresistible influence over the people; so that in all elections for members of the state, and for the officers of the court also, those alone are chosen whom these farmers nominate, and who, they imagine, will be most subservient to the pursuits and purposes which they may undertake. In consequence of this conduct, the independency of the states, and the rights of the people, were well nigh annihilated; and nothing was interposed between their arbitrary intentions and the carrying of them into execution: and as all fines do, at least, in a great part, go to the king, and of consequence to those who farm the revenues, the same farmers, who moved for the inflicting of pecuniary fines, were those who did, in fact, determine the sums and receive them also, for their own profits.

4thly, That it has frequently been decreed, to fine individuals a considerable time before the sums has been ascertained; and it has been ultimately fixed, by those jurats who were not present at the times when these persons were condemned, to be fined. During these transactions, the persons, criminally accused, have been unacquainted with every part of their sentence, saving that they were found guilty, and to be fixed according to the pleasure of those who were their prosecutors, their judges, and the receivers of those fines which were to be imposed upon them.

5thly, That altho' the island does not produce, in the most plentiful harvest, a quantity of corn which is more than two-thirds sufficient for the annual subsistence of the inhabitants, an attempt was made, under a sanction of an ordinance from the states, of the 29th August 1769,

to export the corn, produced in this island, into France, where it then bore an excessively high price. The injustice and inhumanity of this proceeding is still the more egregious, because, at that very instant, when corn was dear in England, and an exportation prohibited, a clause had been obtained, in an act of parliament, to allow the inhabitants of Jersey to import a certain quantity of corn from Great-Britain, to relieve them from those distresses which they suffered from their present scarcity in Jersey. By these means it was intended, that the permission of importing corn for the sustenance of the poor and industrious should be perverted to these of enriching the farmers of the revenue and others, who had passed an act for the exporting of the corn of Jersey growth, and thus the most useful subjects were to remain with their distresses unalleviated.

6thly, That this ordinance of the states was manifestly the more self-interested and oppressive, because it was passed a few days after the pecuniary commutation for corn-rents had been fixed, at a higher rate than had, till that time, been known in this island. The people, therefore, sensible of this unjust exertion of power, were apprehensive that men who had thus presumed to elude the beneficence of the parliament of England, and to convert it to their private advantages, would no longer hesitate at the instituting any ordinance, however arbitrary and oppressive. This single incident gave fire to the train of events, which had long lain ready to catch from the first spark of aggravated oppression, which might fall upon it; and from this the tumult on the 28th of September 1769 more immediately derives its origin.

Having in this manner presumed to lay my sentiments on the preceding measures before your lordships, I shall now proceed to speak of those matters, which are contained in the petition from the people of Jersey, and what has been transacted in relation thereto.

As Lord Albemarle, the governor of Jersey, has abolished the mode of farming the revenues of the crown, and appointed a receiver, with a fixed salary, and given him instructions to alleviate the hardships of the people, in many respects, the complaints of the petitioners are thereby already attended to and the causes of several of them removed. The other articles of the petition, which

which appear to be of greater consequence, will, I imagine, be relieved by the subsequent measures, which have been carried into execution since my arrival, and on my representation, and to which I beg leave to refer your lordships.

No. 1. That of repairing the high roads, and of fines for boughs not lopped.

No. 2. That in relation to the electing of constables.

No. 3. That of regulating the markets.

No. 4. That of the measurement of land in each parish.

No. 5. That for regulating and abbreviating the duration of law-suits, without intruding on the spirit and intention of Rouillé and Terrien.

The comments on the Norman law, which are followed in this island, have been strictly observed, with a view to reduce them to their genuine practice, and to correct the many abuses which have been introduced, at various times, and on several occasions. By these means all law-suits may, for the future, be concluded within the limits of three years; and which, in a multiplicity of instances, have hitherto been extended to those of thirty.

No. 6. That of regulations, concerning the divisions of right between coheirs, who are lords of manors, in cases of succession; as also of renunciators, by which inexpressible hardships have been frequently imposed on the people. Such as exacting the feudal rights with the utmost rigour. Those, it is presumed, may be in a great measure precluded by these regulations; and though the whole benefit, which a more extensive alteration is susceptible of imparting, may not be obtained thereby, or such as equity in strictness may require, I thought it more preferable to improve it, as far as their present dispositions and private interests will admit them to agree to, than to renounce every benefit, because they will not accomplish every particular, which I proposed, and thereby leave this affair in its former power of vexation and cruelty.

No. 7. That including alterations or rather modifications upon more easy terms of an order of council of the 12th of June 1735, in regard to a certain quantity of land to be occupied and continued, with every mesuage and tenement; also that of an act of the states of

this island, dated the 8th of April 1673, to the same effect, both which were intended to promote the encrease of tillage, and prevent the arable lands from being converted into orchards; the neglect of which hath been attended with a superabundance of cyder and a deficiency of bread, which inconvenience, it is hoped, may, in a great measure, be removed by these regulations.

No. 8. That of reducing the taxation of corn-rents was prevented from being carried into immediate execution by the timidity of the states; who, considering this as the primary cause of the late disturbances, have detained that measure, until they shall receive an order of king and council for their conduct on that particular.

The preceding measures are those which have been adopted by the states upon the representations which I have made to them. I come now to those which relate to myself alone. And first, with regard to those most essential articles of importation and exportation, under the title of observations No. 1. is an act on this subject, which the states proposed; but as it does not coincide with my ideas on that head, and thinking it to be a matter of a nature too difficult and important for me to determine, I have suspended my approbation, and have taken the liberty of transmitting the said act, together with my sentiments thereon, and to await your lordships resolutions and commands.

From an impartial consideration of the present situation of affairs in this island, and for the reasons given in the paper No. 2. I am perfectly convinced, that this country must derive essential benefit from the restoration of the office of advocat du Roy, authorising such officer to conduct himself with power agreeable to his post.

No. 9. There is a real hardship which is justly complained of, and which seems to have been the true source of that total diffidence which the people entertain of the integrity of their states and magistrates. This consists of the egregious abuse that has been made of his majesty's orders in council, 22d May 1729, and the 9th July 1730, establishing the value of those coins which are current in the island of Jersey.

By these orders it is established, that during the term of six months, from the date thereof, all creditors shall be obliged to receive their debts, if tendered, at those rates

rates of value in which the current coin then stood, immediately before the issuing the orders in council of the 22d May 1729, and this under the penalty of forfeiting one third of their debts to their debtors, on non-compliance with the tender; that being the exact difference between the old and the new established currency.

Previous to these orders of council there had been one of the 25th October 1714, regulating the value of the current coin, which had never been registered; and to which not the least regard had been paid by the states or magistrates; but in these orders no notice is taken of the contracts for perpetual rents, in which, besides the specified quantities of corn, there are sometimes sums of money to be annually paid also. These sums then not being ordered, because they were not redeemable debts, in equity, and consecutive of the intention of the above orders, ought to have been paid, after the alteration of the currency, according to what I humbly suppose to be the fair construction and design of the said orders of council, viz. at the rate of one third less, being the exact value of the sums intended by the deeds.

This is the case with many people, at this day, who being by contract obliged to pay 300 livres before the 22d May 1729, when the currency was altered, have since paid but 200 livres according to order, which sum is of equally intrinsic value with 300 livres at the time when their respective contracts were made, notwithstanding this compliance of some particular persons, there are others who adhere to the laws mentioned in the deeds and disregarding the justice of the king; and the intent of the order of council, who have exacted the same sum of money, according to order, and consequently have in fact received 450 livres in the place of 300, which were intended by the deed; this proceeding, oppressive as it is, has been adopted of late by particular persons, as it will appear by the copy of two deeds No. 2. and 3. with the certificates annexed, and by another certificate, No. 4.

Singular as it may appear, it is nevertheless certain, that the deed, No. 3. bearing date December 1732, more than two years after the last order of council, is still made on the rate of old currency; and consequently in direct contradiction to the said order of council.

I would, therefore, most humbly recommend, that, by an order of his majesty in council, all rents in money, contracted by deeds previous to the 22d May 1729, or since that time, upon the footing of the old currency, which appears to have been the case in some instances, shall, for the future, be paid according to the intention of the deeds, and as the crown rents are paid, by deducting one third

For, if a quarter of corn-rent were worth 12 livres, *per annum*, French money, which was the accustomed estimation before the year 1729, and is now reckoned to be 8 livres only, and adequate to the former, according to the alteration of the currency in 1729, then ought they to be so settled, because the yearly taxations of corn-rents are made according to that value and estimation of money.

It is to be remarked, that money-rents are not yet common in this island, that there may be in all about fifty deeds, by which persons are subjected to the payment of such rents; and as this exaction of a third part more than is truly due, has been made by different persons at different times, and many having not hitherto copied the example, it may reasonably be believed, that, on this account, it may have been submitted to, with so little reluctance. It is a truth, not to be contraverted, that it has been a long and inconsistent practice, to institute new laws, diametrically opposite to those already existing, and to carry them into execution without repeating those which were antecedently established. And three times in the year, at their sessions, or *cour d'heritage*, all laws, however contradictory to each other, or obsolete by disusage, are, in general terms, renovated and confirmed. In consequence of this absurdity it not unfrequently happens, that men are punished for having offended one of these laws, on one day, and for having offended another of an opposite on the succeeding. And by these means the administration of justice is wholly dependant on the judges, and on their selecting from those contradictory laws, that on which they intend to found their judgment. In this manner it has been proceeded; notwithstanding the perpetuating laws and ordinances of their own making, is absolutely repugnant to the order of king and council, in the year 1619, which expressly declares

declares, that such acts, as are made in their assemblies, are but provisional ordinances, and have no force or property of law untill they be confirmed by us.

Animated by these considerations I have been induced, conformable to the repeated, but hitherto neglected, considerations of king and council, to undertake the collection of those things on what something like a code, or system of government, may be formed; and the absurdity and mischief of their present contradictions, in laws and ordinances, be averted: for such has been the anarchical and inconsistent state of the legislature in this island, that, on some occasions, laws have been instituted by the states, and, on others, by the magistrates of the court alone.

In the execution of this part of my commission, the lieutenant-bailly hath promised me his assistance, and I have also taken two other persons, who I thought are the most capable of giving the truest information, with whom I am now constantly employed, in selecting and new modelling things, so as to form a collection, which, with those alterations and improvements that may be thought proper to be made on their being transmitted to your lordships, may answer to the petition of the inhabitants.

When these reports were drawn, the colonel was pleased to honour me with another task of the same kind, and which were written in the following manner.

PAPER II.

THAT the administration of justice may be conducted in a manner more conformable to the laws of equity and of England than it has been of late transacted in the island of Jersey, to me it appears reasonable, 1st that, in all criminal suits, the officers of his majesty shall no longer be permitted to commence a prosecution against any person, on the reports alone of a real or pretended informer; but that every information be taken, upon oath, before one or more of the judges of the royal court: and at the time of making this information, on oath, the informer shall be examined in the presence of the person whom he accuses, and the accused shall then be admitted to bail or committed to prison, according to the nature of his offence, which ought to be specified, and not left to the will or determination of the court.

2^{dly}. That every one of the twelve judges, or jurors, be authorised to administer an oath, equally with the lieutenant-bailly, who at present engrosses the sole right of that authority to himself.

3^{dly}. That the oath of office of those, who are employed in it, shall not, for the future, be a sufficient deposition on which the jurors may determine, when either the acquittal or condemnation of a prisoner shall come before them.

4^{thly}. That, for the future, to impart a due solemnity to the administration of an oath, the person who administers it, shall, in proper terms, pronounce it in the most awful manner, that the deponent shall repeat it with his hand on the gospel, during that time, and then apply it to his lips, as in England.

5^{thly}. That in all future prosecutions every person accused shall be entitled to engage an advocate or pleader to assist him in his defence; and to all others such means as
are

are lawful for the justification of his innocence; that if he be proved guilty, those who are present at his trial may be acquainted with the justice of the sentence, and the criminal himself not have to complain that he is longer denied such assistance.

6thly. That, as according to ancient usage, six advocates only were allowed in the courts of Jersey, the nomination of which the lieutenant-bailly hath assumed, in virtue of a pretended right from the grand bailly of Jersey; that this right be no longer confined to him, but placed in a manner so as to prevent taylors, dependants of the court, or men who accept the charge and decline the duty, men of mean capacities and of meaner education, the sole persons to whom such important concerns, as the defence of the lives liberties and properties of the people, can now be entrusted.

7thly. The sentence of the *amende qualifiée* consists in asking pardon of god, the king, of justice, and the party injured, pronouncing, at the same time, that the sentence was maliciously intended. This punishment, though it be deemed extremely dishonorable to the person who is sentenced to it, is not, on all occasions, and in all cases, that such sentences impart that degree of infamy, which can exclude the persons found guilty from the privilege of giving testimony, on oath, or prevent them from bearing any public office, though custom hath produced that effect. It is, therefore, proposed, that those sentences denominated *amendes qualifiées*, in which part of the profit is applied to the king, and the other to that of the public, be no longer considered or received as bringing an imputation of dishonour on the character of the person guilty; and that, containing nothing nefarious in their nature, they shall not be adjudged to be such, nor more dishonorable than those others imposed by the ordinances of polity.

8thly. That the *amende qualifiée* be not pronounced, but in such cases wherein the accused may be corporally punished according to law, and that, in such instances, the court may change the corporal punishment into that of the *amende qualifiée* and pecuniary fine, if the person found guilty shall apply for that commutation, and the nature of the offence will admit it.

9thly,

9thly. The ancient usage being annually to levy the *amendes* or forfeitures, according to the rates established by the extent of the royal revenues, it may be proper to abolish that method, and, for the future, to ordain the express sums of pecuniary fines in the sentence, which is pronounced against each offender, and that the extent or levying of the said fines and amerciaments be every year made according to the ancient customs of the island.

10thly. In order to avoid the manifest irregularity and absurd custom of uniting the legislative and executive power in the same persons, and that the third part of the states shall constitute the authority of the whole, it may be appointed that for the future, that all ordinances for the establishing new laws, or repealing the old, are to be passed by the whole states, and by them alone, and this whether such laws respect the civil or political government of the people. In like manner when any subject of either of the preceding natures in government be proposed in the assembly of the states, it shall be brought in as a written bill, and in the form in which it shall be proposed to pass. This bill, being publickly read, shall be left at the proper office, or greffe, in order that every individual of the assembly may have full power to consider it, and the constable the time of consulting his constituents on the merits of the said bill. At the same time granting to the states the permission of dispensing with this delay in times of war, and when occasions equal thereto may supersede all their considerations.

11thly. That in all jurisdictional proceedings, the magistrates and officers of the king, be duly required, not to permit the said suit to continue beyond the limits which the law requires; that they do compel the parties to proceed without accepting frivolous reasons for the delay of justice; and that the duration of the suit be prescribed, and fixed according to the order of king and council, bearing date and perfectly corresponding with the usage of the laws.

At the court at St. James's, the 28th day of March 1771.

P R E S E N T

The King's Most Excellent Majesty,

Duke of Ancaſter,

Earl of Briſtol,

Lord Chamberlain,

Viſcount Falmouth,

Earl of Rochford,

Viſcount Hinchinbrook.

WHEREAS there was this day read at the board a report from the right honourable the lords of the committee of council, for the affairs of Jerſey and Guernſey, dated the 26th of this inſtant, ſetting forth, amongſt other things, that it having been repreſented to the committee by lieutenant colonel Bentinck, commander in chief, of the iſland of Jerſey, by ſpecial commiſſion, that thoſe perſons, who ſubſequent to the riot, on the 28th of September 1769, and, in conſequence thereof, had ſhewn a propenſity to excite new diſturbances by their irregular and unjuſtifiable conduct (againſt whom ſeveral affidavits relating to their mutinous and threatening behaviour; were tranſmitted to his majeſty, by the lieutenant-bailly, and jurats, of the royal court, in purſuance of his majeſty's order in council of the 1ſt of November 1769) are now become very ſenſible of the evil and dangerous tendency of ſuch proceedings, and appear to have been hurried into the ſame through ignorance, and not from any ſpirit of independence or impatience of legal government, and have of late maniſeſted a very ſincere and thorough repentance of ſuch their errors. The ſaid lords of the committee, therefore, propoſed, that a pardon might be granted to all ſuch as may have been concerned in any mutinous and threatening behaviour; tending to excite new diſturbances from the ſaid 28th of September 1769, to the 31ſt of December laſt paſt. His majeſty taking the ſaid report, into conſideration, is pleaſed, with the advice of his privy-council, to approve of what is therein propoſed, and the better to eſtabliſh quiet and unanimity among all his majeſty's ſubjects in the iſland of Jerſey; and, as a mark of his majeſty's

jeſty's gracious diſpoſition and royal clemency, his ma-
jeſty doth hereby grant a general and free pardon, to all
ſuch perſons as may have been concerned in any mutinous
and threatening behaviour; tending to excite new diſturb-
ances, from the ſaid 28th day of September 1769, to the
31ſt of December laſt paſt; and his majeſty doth hereby
order that no further proceedings be had againſt any of the
ſaid offenders, on account of ſuch mutinous and threat-
ning behaviour; and in caſe any of them ſhall have been
taken into cuſtody or confined on that account, that they
be forthwith diſcharged, and ſet at liberty. And his ma-
jeſty doth hereby ſtrictly require and command the gover-
nor; lieutenant-governor; or, commander in chief, for
the time being, as alſo the bailly, and jurats of the roy-
al court, and all other his majeſty's officers in the iſland
of Jerſey, to exert their utmoſt endeavours to diſcourage
and ſubdue all ſpirit of faction and diſcontent, by en-
forcing, with firmneſs and ſpirit, a due and exact obedi-
ence to the eſtabliſhed laws of the iſland. Whereof the
ſaid governor, lieutenant-governor, or commander in chief,
the bailly, and jurats of the royal court, and all others,
whom it may concern, are to take notice and govern
themſelves accordingly.

Signed *W. Blair.*

Number 21.

L'An Mille Sept Cents Septante, le vint-unième Jour
du Mois de Juin, Jean de St. Croix, jun. and Jean
Pinel Son Caution, Amice le Vavaſſeur Dit Durel, jun.
& Jean le Vavaſſeur Dit Durel Son Caution, Nicholas
Arthur fs. Elie & Phil. Eſthur Son Caution, Jean Hamon
& Pierre Laurens Son Caution, Phil. Luce & Jean De
Gruchy fs. Thomas Son Caution, Jean Coûtanche &
M. George Touzel Son Caution, François Le Boutillier,
jun. & Jean Le Boutillier Son Caution, & Phil. Alexan-
dre & M. Jean Gallichan fs. Jean Son Caution, conve-
nus à l'inſtance du député Procureur-général du Roi,
pour avoir (leſdits Jean de St. Croix, Amice le Vavaſſeur
Dit Durel, Nicholas Arthur, Jean Hamon, Phil. Luce,
Jean Coûtanche, François Le Boutillier, & Phil. Alex-
andre)

andre) tenu une conduite seditieuse, menaçante & injurieuse contre la juridiction, depuis le 28^{me} jour de Septembre 1769, suivant les premisses et ouïr depôts d'informateurs ; après que Charles Gruchy a déposé par serment sur l'accusation faite audit Philip Luce, & que Judith le Feuvre a pareillement déposé par serment sur celle faite audit Nicholas Arthur & que lescdites depositions ont été prises & redigées par écrit & logées au greffe ; honorable homme Colonel Bentinck, député gouverneur, aiant proposé à la cour, que conformément aux intentions favorables de sa majesté envers ceux des habitans de cette isle, qui pourront être supposés avoir été engagés inconsidérément, & avoir agi sans mauvaise intention premedité relativement aux derniers troubles qui ont agité cette isle, lescdits accusés (paroissans s'être engagés inconsidérément dant la part qu'ils ont eue audits troubles) soient, avec l'approbation du député procureur général du Roi, relâchés & déchargés de la poursuite continuée vers eux à cet egard. La cour, toujours disposée à concilier sa conduite à l'intention & clemence de sa majesté & portée dans l'examen du comport desdits accusés au rétablissement & au maintien de la paix publique, à (avec le consentement du député procureur général du Roi) relâché lescdits accusés & déchargé de toutes poursuites à ce sujet, aïans tous témoigné être sensibles de leur indiscretion & disposés à se conduire à l'avenir comme bons & fidelles sujets.

Philip De Carteret, greffier.



Le Président de la République
a l'honneur de vous adresser
ci-joint le rapport que vous
avez demandé par votre lettre
du 10 courant. Ce rapport
a été dressé par le Comité
chargé de l'examen des
affaires de votre département.
Il vous expose les motifs
qui ont servi de base à la
décision prise par le
Gouvernement. Le Comité
a l'honneur de vous adresser
ce rapport avec les
observations qu'il a faites
à l'occasion de son examen.
Il vous prie d'agréer, Monsieur
le Préfet, l'assurance de sa
haute considération.

Le Président de la République
Le Ministre de l'Intérieur

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